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federal register

Monday
September 27, 1982

Selected Subjects

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Selected Subjects

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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 4974 of September 23, 1982

National School Lunch Week, 1982

By the President of the United States of America

A Proclamation

The National School Lunch Program—now in its 36th year—operates to provide nutritious and well-balanced meals for needy young people of our country. School lunch is an outstanding example of a close partnership of the Federal government with State governments and local communities to provide food, funds, and technical assistance for our efforts to provide nutrition assistance to these students.

The children and youth of our Nation are our greatest resource. The School Lunch Program demonstrates our awareness, our concern, and our willingness to work together to promote the health and well-being of our needy youth.

There are over 23 million lunches served every day in over 90,000 schools throughout the country. In an era of limited public resources, this effort is being met by resourceful and creative efforts at all levels of government and through the cooperation of parents, teachers, and civic groups.

By joint resolution approved on October 9, 1962, the Congress designated the week beginning on the second Sunday of October in each year as National School Lunch Week and requested the President to issue annually a proclamation calling for observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby urge the people of the United States to observe the week of October 10, 1982, as National School Lunch Week and to give special and deserved recognition to those people at the State and local level who, through their innovative efforts, have made it possible to have a successful school lunch program.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of Sept. in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-26654
Filed 9-24-82; 10:30 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4975 of September 23, 1982

National Forest Products Week, 1982

By the President of the United States of America

A Proclamation

America's forests—and the products from those forests—have contributed greatly to our Nation's development and progress for more than two centuries.

The seemingly inexhaustible supply of wood, water, wildlife, and other resources challenged our forefathers to carve a civilization out of the wilderness during our Nation's first century.

Then, during the second century, we came to recognize our responsibilities to conserve the forest resources and use them wisely.

Today, as we look forward to the year 2000, we have the knowledge to make the most of our forests and to make them more productive and to protect them more effectively. We need them to be prepared to meet increasing demands for homes, for wood, for paper, and for forest recreation. We know that in the decades ahead, demands for wood products—and for other uses of the forest—will increase dramatically.

Under careful management, our forests can produce more than twice the volume of timber now being grown, without damaging our environment. This means that we can meet our own increasing demands and still export wood products, thus strengthening both our economy and our independence.

Our forests can also be managed to provide not only abundant timber, but also water, wildlife and fish, recreation, paper resources, grazing for domestic livestock, and even mining—while still ensuring a quality environment.

As Americans we are fortunate in having a very large base of public forestlands that are managed for all our people. These forests are serving us well and can meet more of our immediate and future needs than they do now, with careful management. We also have millions of acres of private lands that must be managed to help meet future needs—needs that are not just economic and material, but inspirational as well. The human spirit needs the beauty, solitude, and renewal that are found in forests.

In recognizing the unique qualities and values of America's forest resources, the Congress has by Public Law 86–753, 36 U.S.C. 163, designated the third week in October as National Forest Products Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of October 17 through October 23, 1982, as National Forest Products Week and call upon all Americans to express their gratitude for the abundant forests with which this Nation has been blessed, and which have benefited us materially, economically, and spiritually.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of Sept., in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-26655
Filed 9-24-82; 10:31 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12383 of September 23, 1982

Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)

By the authority vested in me as President by the Constitution of the United States of America and by Chapter 47 of Title 10 of the United States Code (the Uniform Code of Military Justice), in order to prescribe amendments to the Manual for Courts-Martial, United States, 1969 (Revised edition), prescribed by Executive Order No. 11476, as amended by Executive Order No. 11835, Executive Order No. 12018, Executive Order No. 12198, Executive Order No. 12233, Executive Order No. 12306, Executive Order No. 12315, and Executive Order No. 12340, it is hereby ordered as follows:

Section 1. Paragraph 127*c*, Section A (Table of Maximum Punishments) of the said Manual for Courts-Martial is amended by deleting the following language: "Drugs, habit forming, wrongful possession, sale, transfer, use or introduction into a military unit, base, station, post, ship, or aircraft" and the maximum punishments prescribed therefor, and "Drugs, marijuana, wrongful possession, sale, transfer, use or introduction into a military unit, base, station, post, ship, or aircraft" and the maximum punishments prescribed therefor, and by inserting in their place the following entries and maximum punishments:

"Drugs, wrongful use, possession, manufacture, or introduction of amphetamine, cocaine, heroin, lysergic acid diethylamide, marijuana (except possession of less than 30 grams or use of marijuana), methamphetamine, opium, phencyclidine, secobarbital, and Schedule I, II, and III controlled substances.". Maximum punishment: Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor not to exceed 5 years.

"Drugs, wrongful possession of less than 30 grams or use of marijuana, and wrongful use, possession, manufacture, or introduction of phenobarbital, and Schedule IV and V controlled substances.". Maximum punishment: Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor not to exceed 2 years.

"Drugs, wrongful distribution of, or, with intent to distribute, wrongful possession, manufacture, or introduction of amphetamine, cocaine, heroin, lysergic acid diethylamide, marijuana, methamphetamine, opium, phencyclidine, secobarbital, and Schedule I, II, and III controlled substances.". Maximum punishment: Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor not to exceed 15 years.

"Drugs, wrongful distribution of, or, with intent to distribute, wrongful possession, manufacture, or introduction of phenobarbital and Schedule IV and V controlled substances.". Maximum punishment: Dishonorable discharge, forfeiture of all pay and allowances, and confinement at hard labor not to exceed 10 years.

Sec. 2. Paragraph 127*c*, Section B of the said Manual for Courts-Martial is amended by adding the following new paragraph following the last paragraph therein:

"When any offense described in paragraph 213*g* is committed while the accused is: on duty as a sentinel or lookout; on board a vessel or aircraft used by or under the control of the armed forces; in or at a missile launch facility used by or under the control of the armed forces; in a hostile fire pay zone; or in time of war, the maximum period of confinement at hard labor and

forfeiture of pay and allowances authorized for such offense shall be increased by 5 years.".

Sec. 3. Paragraph 213 of the said Manual for Courts-Martial is amended by deleting the last paragraph of subparagraph 213*b* and by adding the following new subparagraph after the end of subparagraph *f*:

"*g.* Offenses involving controlled substances.

"*Discussion.* Possession, use, introduction into a military unit, base, station, post, ship, or aircraft, manufacture, distribution, and possession, manufacture, or introduction with intent to distribute, of a controlled substance are offenses under Article 134.

"(1) *Controlled substance.* "Controlled substance" means amphetamine, cocaine, heroin, lysergic acid diethylamide, marijuana, methamphetamine, opium, phencyclidine, phenobarbital, and secobarbital. "Controlled substance" also means any substance which is included in Schedules I through V established by the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (21 U.S.C. 801 *et seq.*).

"(2) *Possess.* "Possess" means to exercise control of something. Possession may be direct physical custody like holding an item in one's hand, or it may be constructive, as in the case of a person who hides an item in a locker or car to which that person may return to retrieve it. Possession must be knowing and conscious. Possession inherently includes the power or authority to preclude control by others. It is possible, however, for more than one person to possess an item simultaneously, as when several people share control of an item. An accused may not be convicted of possession of a controlled substance if the accused did not know that the substance was present under the accused's control. Awareness of the presence of a controlled substance may be inferred from circumstantial evidence.

"(3) *Distribute.* "Distribute" means to deliver to the possession of another. "Deliver" means the actual, constructive, or attempted transfer of an item, whether or not there exists an agency relationship.

"(4) *Manufacture.* "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of such substance or labeling or relabeling of its container. The term "production", as used above, includes the planting, cultivating, growing, or harvesting of a drug or other substance.

"(5) *Wrongfulness.* To be punishable under Article 134, possession, use, distribution, introduction, or manufacture of a controlled substance must be wrongful. Possession, use, distribution, introduction, or manufacture of a controlled substance is wrongful if it is without legal justification or authorization. Possession, use, distribution, introduction, or manufacture of a controlled substance is not wrongful if such act or acts are: (A) done pursuant to legitimate law enforcement activities (for example, an informant who receives drugs as part of an undercover operation is not in wrongful possession); (B) done by authorized personnel in the performance of medical duties; or (C) without knowledge of the contraband nature of the substance (for example, a person who possesses cocaine, but actually believes it to be sugar, is not guilty of wrongful possession of cocaine). But, possession, use, distribution, introduction, or manufacture of a controlled substance may be inferred to be wrongful in the absence of evidence to the contrary. The burden of going forward with evidence with respect to any such exception in any court-martial or other proceeding under the code shall be upon the person claiming its benefit. If such an issue is raised by the evidence presented, then the burden of proof is upon the United States to establish that the use, possession, distribution, manufacture, or introduction was wrongful.

"(6) *Intent to distribute.* Intent to distribute may be inferred from circumstantial evidence. Examples of evidence which may tend to support an inference of intent to distribute are: possession of a quantity of substance in excess of that which one would be likely to have for personal use; market value of the substance; the manner in which the substance is packaged; and that the accused is not a user of the substance. On the other hand, evidence that the accused is addicted to or is a heavy user of the substance may tend to negate an inference of intent to distribute.

"(7) *Certain amount.* When a specific amount of a controlled substance is believed to have been possessed, distributed, introduced, or manufactured by an accused, the specific amount should ordinarily be alleged in the specification. It is not necessary to allege a specific amount, however, and a specification is sufficient if it alleges that an accused possessed, distributed, introduced, or manufactured "some," "traces of," or "an unknown quantity of" a controlled substance.

"*Proof.*

"(1) *Wrongful possession of controlled substance.* (a) That the accused possessed a certain amount of a controlled substance; (b) that the possession by the accused was wrongful; and (c) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

"(2) *Wrongful use of controlled substance.* (a) That the accused used a controlled substance; (b) that the use by the accused was wrongful; and (c) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

"(3) *Wrongful distribution of controlled substance.* (a) That the accused distributed a certain amount of a controlled substance; (b) that the distribution by the accused was wrongful; and (c) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

"(4) *Wrongful introduction of controlled substance.* (a) That the accused introduced onto a vessel, aircraft, vehicle, or installation used by the armed forces or under the control of the armed forces a certain amount of a controlled substance; (b) that the introduction was wrongful; and (c) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

"(5) *Wrongful manufacture of controlled substance.* (a) That the accused manufactured a certain amount of a controlled substance; (b) that the manufacture was wrongful; and (c) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

"(6) *Wrongful possession, manufacture, or introduction of controlled substance with intent to distribute.* (a) That the accused possessed, manufactured, or introduced a certain amount of a controlled substance; (b) that the possession, manufacture, or introduction was wrongful; (c) that the possession, manufacture, or introduction was with the intent to distribute; and (d) that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.".

Sec. 4. Appendix 6c is amended by deleting sample specifications 144, 145, and 146 and the marginal notes with them and inserting in place thereof the following:

"144. In that _____ (personal jurisdiction data) did, (at/on board—location) (subject-matter jurisdiction data, if required) on or about _____ 19 ____, wrongfully (possess) (distribute) (manufacture) _____

(grams) (ounces) (pounds) (_____) of _____ (a Schedule _____ controlled substance), [with the intent to distribute the said controlled substance] [while on duty as a sentinel or lookout] [while (onboard a vessel/aircraft) (in or at a missile launch facility) used by the armed forces or under the control of the armed forces, to wit: _____] [while in a hostile fire pay zone] [during time of war].".

Marginal note: "Drugs—wrongful possession, manufacture, or distribution".

"145. In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 19___, knowingly and wrongfully use _____ (a Schedule _____ controlled substance), [while on duty as a sentinel or lookout] [while (onboard a vessel/aircraft) (in or at a missile launch facility) used by the armed forces or under the control of the armed forces, to wit: _____] [while in a hostile fire pay zone] [during time of war].".

Marginal note: "—wrongful use".

"146. In that _____ (personal jurisdiction data), did, on or about _____ 19___, (at/on board—location) wrongfully introduce _____ (grams) (ounces) (pounds) (_____) of _____ (a Schedule ___ controlled substance), onto a vessel, aircraft, vehicle, or installation used by the armed forces or under control of the armed forces, to wit: _____ (with the intent to distribute the said controlled substance) [while on duty as a sentinel or lookout] [while in a hostile fire pay zone] [during a time of war].".

Marginal note: "—wrongful introduction".

Sec. 5. These amendments shall be effective on October 1, 1982. These amendments shall apply to offenses committed on or after that date.

Sec. 6. The Secretary of Defense, on behalf of the President, shall transmit a copy of this Order to the Congress of the United States in accord with Section 836 of Title 10 of the United States Code.

Ronald Reagan

THE WHITE HOUSE,
September 23, 1982.

[FR Doc. 82-26656
Filed 9-24-82; 10:32 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 47, No. 187
Monday, September 27, 1982

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

[Rev. 9, Amdt. 19]

Disaster Loans: Change in Policy

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This amendment to Part 123 prohibits the guarantee of disaster home loans which exceed SBA's administrative limits. This final rule considers the written comment received in response to the proposed rule which was published in the Federal Register on May 12, 1982 (47 FR 20315). The above change results from the serious adverse impact upon the nation's credit markets of Federal and federally-assisted borrowing.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Questions regarding this final rule may be directed to: Bernard Kulik, Deputy Associate Administrator for Disaster Assistance, (202) 653–6879.

SUPPLEMENTARY INFORMATION: SBA received only one written response to the proposed rule. The primary objections raised by the respondent were that insurance against certain hazards is not required by mortgage lenders and that insurance against all hazards is cost prohibitive to homeowners. SBA's position continues to be that it is the responsibility of each homeowner to insure against all insurable hazards likely to occur in their locations. It is doubtful that homeowners who could not afford certain insurance protection could demonstrate the ability to repay a disaster loan(s) made to restore damage inflicted by those certain hazards. It is contemplated that the gross amount of disaster loan funds which will be made unavailable to homeowner disaster victims may be utilized in other areas of the economy.

The $5,000 loan cancellation feature for disasters occurring between January 1, 1972, and April 20, 1973, has been deleted because it is obsolete.

Business loan regulations are also revised to incorporate both the $500,000 statutory limit on total disaster loan assistance to any one business for any one disaster and the exemption from this limit provided for a business which constituted a major source of employment in an area suffering a disaster.

For the purposes of Executive Order 12291, SBA hereby determines that this rule will not constitute a major rule.

In addition, it is hereby certified pursuant to Section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, that this rule will not have a significant economic impact on a substantial number of small entities. In this regard this rule affects only the applications of homeowners for SBA guaranteed disaster loan assistance, and, it merely sets forth statutory language with respect to businesses. Therefore, it does not have any economic impact upon small entities as defined in section 601 of that Act, 5 U.S.C. 601.

List of Subjects in 13 CFR Part 123

Disaster assistance, Loan programs—business, Small businesses.

PART 123—DISASTER LOANS

§ 123.5 [Amended]

Accordingly, notice is given that, pursuant to the authority of section 5(b)(6) of the Small Business Act, as amended, 15 U.S.C. 634(b)(5), § 123.5(a) of Chapter I of Title 13 of the Code of Federal Regulations is revised by removing subparagraph (4) in its entirety and revising subparagraphs (1) and (3) to read as follows:

(a) * * *

(1) SBA's share in a direct, immediate participation or guaranteed loan to any homeowner, including all members of the household, shall not exceed $50,000 for repair or replacement of the land or building, and shall not exceed $10,000 to repair or replace household goods and personal items: Provided, however, That SBA's share of any such loan or loans to repair or replace a home and household goods for any homeowner shall not exceed $55,000 in the aggregate for any one disaster, excluding eligible refinancing in an amount not to exceed the lesser of the physical damage to the real property or the amount of the loan made to repair such property. Persons living in a damaged home who are not dependents of the homeowner may also apply for disaster assistance for personal property loss, up to $10,000.

* * * * *

(3) The total of SBA's direct loans plus SBA's share of immediate participation and guaranteed loans to any one business concern for any one disaster may not exceed the statutory limit ($500,000). In the case of a major source of employment in an area suffering a disaster, the Administration may waive the $500,000 limitation. Applicants applying for such waiver shall be required to demonstrate to SBA's satisfaction that applicant has used all funds from its own resources and from non-Federal credit available at reasonable interest rates and terms to alleviate the physical damage and/or economic injury sustained, plus eligible refinancing.

(Catalog of Federal Domestic Assistance Program No. 59.008 (Physical Disaster Loans))

Dated: August 31, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-26406 Filed 9-24-82; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-CE-26-AD; Amdt. 39-4465]

EMBRAER Models EMB-110P1 and EMB-110P2 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to EMBRAER Models EMB-110P1 and EMB-110P2 airplanes, which supersedes AD 82-15-06, Amendment 39-4421 (July 26, 1982; 47 FR 32064). It continues in effect the requirement in the AD for installation of a temporary revision in the "Pilot's Operating Handbook (POH) and Centro Technico

Aeroespacial (CTA) Approved Airplane Flight Manual" (POH/AFM) limiting flap extension when there is known or suspected ice accumulation on the horizontal stabilizer. Additionally, it authorizes removal of this revision upon incorporation of certain modifications described in EMBRAER Service Bulletins No. 110–30–013 dated March 23, 1982 and No. 110–55–020, Change No. 1, dated April 22, 1982, and sets a date for incorporation of these changes. This action is needed to provide relief to operators who have already incorporated these modifications by authorizing removal of the temporary POH/AFM revision limiting flap operation on their airplanes. A final date for incorporation of the modification is needed to assure that the original level of safety established by the type certification basis of the airplane design is restored.

EFFECTIVE DATE: September 30, 1982.

Compliance required as indicated in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from Empresa Brasileira de Aeronautica S/A (EMBRAER), P.O. Box 343–CEP, 12.200, Sao Jose Dos Campos, Sao Paulo, Brazil.

A copy of these service bulletins and temporary POH/AFM revision is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, Federal Building, 601 East 12th Street, Kansas City, Missouri 64106, and in Room 275, Atlanta Aircraft Certification Office, FAA, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: George Carver, ACE–130A, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320; Telephone (404) 763–7781.

SUPPLEMENTARY INFORMATION: The FAA issued AD 82–15–06, Amendment 39–4421 (47 FR 32064) to prevent a sharp and unexpected nose-down pitching movement at flap deflections greater than 50 percent if ice is accumulated on the horizontal stabilizer due to an ineffective or malfunctioning horizontal stabilizer deicing system on EMBRAER Models EMB–110P1 and EMB–110P2 airplanes. This AD requires incorporation of a temporary revision in the POH/AFM prohibiting flap extension beyond 50 percent when known or suspected horizontal stabilizer ice exists. When this action was taken, the FAA was aware that the manufacturer was developing modifications which would assure proper operation of the stabilizer deicing system. The manufacturer has now published instructions for accomplishing these modifications in EMBRAER Service Bulletins No. 110–30–013 dated March 23, 1982, and No. 110–55–020, Change No. 1, dated April 22, 1982. The FAA has learned that some operators have incorporated or are in the process of incorporating these modifications in their airplanes. The flap restriction imposed by the temporary AFM/POH revisions are not required on the modified airplanes. Consequently, this requirement by AD 82–15–06, is an unnecessary burden on the operators of modified airplanes and the level of safety in the operation of the affected airplanes is increased when flap usage is unrestricted. Since the flap restriction was imposed by AD 82–15–06 as an interim measure to provide an acceptable level of safety until such time as a modification to assure proper functioning of the stabilizer deice system is available, the FAA finds that establishing a reasonable date for accomplishing the modifications which will impose the minimum cost and loss of airplane availability to the operator is necessary in the interest of safety.

Therefore, the FAA is superseding AD 82–15–06 with a new AD, applicable to the above EMBRAER airplane models, which continues the requirement for installation of a temporary revision to the POH/AFM limiting flap extension to 50 percent when stabilizer ice is known or suspected, allows removal of this revision when the stabilizer deice system is modified per certain requirements of EMBRAER Service Bulletins No. 110–30–013 dated March 23, 1982 and No. 110–55–020, Change No. 1, dated April 22, 1982 and sets a date for completion of these modifications.

Since this amendment is in part relieving in nature, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aircraft, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

EMBRAER: Applies to Models EMB–110P1 and EMB–110P2 (S/Ns 110001 through 110415) airplanes certificated in any category.

Compliance: Required as indicated unless previously accomplished.

To prevent loss of control of the airplane during approach and landing in icing conditions, accomplish the following:

(a) Within the next 25 hours time-in-service after July 29, 1982, on airplanes not in compliance with AD 82–15–06 or modified in accordance with paragraph (b) of this AD:

(1) Incorporate a temporary POH/AFM revision (immediately following page 2–10) in the affected airplane POH/AFM. This revision is set forth in Figure I of this AD.

(2) Make the following pen and ink changes in the Log of Revisions, page IX, of the POH/AFM: "Temporary Revision No. 1," "add page 2–10A," "include temporary landing flap limitations" and "in accordance with Airworthiness Directive 82–15–06."

(3) The incorporation of the temporary POH/AFM revision and Log of Revisions entry required by this AD may be accomplished by the owner/operator of the airplane. This person must make the prescribed entry in the aircraft maintenance records, indicating compliance with paragraph (a) of this AD.

(b) On or before December 31, 1982:

(1) Modify the horizontal stabilizer pneumatic deicing system tubing, including the relocation of the pressure switch and associated cabling, in accordance with EMBRAER Service Bulletin No. 110–30–013, March 23, 1982.

(2) Provide inspection openings in the empennage in accordance with Part I of EMBRAER Service Bulletin No. 110–55–020, Change No. 1, April 22, 1982.

(3) Replace pneumatic supply hoses, P/N 121–770–21–19, with new hoses, P/N B118–1, in accordance with EMBRAER Service Bulletin No. 110–30–012, March 15, 1982.

(4) Upon completion of the above modifications, test the system according to procedures outlined in EMBRAER Maintenance Manual T.O. 1C95–2–6, assuring that there are no leaks.

(5) If installed, remove the temporary revision to the Pilot's Operating Handbook and Centro Technico Aeroespacial (CTA) Approved Airplane Flight Manual (POH/AFM), which was installed according to AD No. 82–15–06.

(c) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(d) An equivalent method of compliance with this AD may be used if approved by the Chief, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320.

This amendment supersedes AD 82–15–06, Amendment 39–4421 (47 FR 32064), effective July 29, 1982.

This amendment becomes effective on September 30, 1982.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft and provide relief to those operators of aircraft on which it has already been corrected. It has been further

determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket identified under the caption "ADDRESSES."

This rule is a final order of the Administrator under Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the various Courts of Appeal of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Kansas City, Missouri, on September 15, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-26294 Filed 9-24-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 82-ASW-33; Amdt. 39-4463]

Hughes Helicopter Model 269 Series Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, revision of existing Airworthiness Directive (AD).

SUMMARY: This amendment amends an existing Airworthiness Directive (AD), 82-15-01, (Amendment 39-4414), applicable to certain Hughes Model 269 series helicopters, by making the AD applicable to Hughes Model 269B helicopters. The amendment is needed because the Model 269B helicopters were inadvertently omitted from the applicability section of AD 82-15-01, Amendment 39-4414.

DATES: Effective October 4, 1982.

Compliance required within 50 hours' time in service after the effective date of this amendment to the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230. A copy of the service information is contained in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Harold Ferris, Aerospace Engineer, Propulsion Section, ANM-174W, Western Aircraft Certification Field Office, Federal Aviation Administration, Northwest Mountain Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone (213) 536-6381.

SUPPLEMENTARY INFORMATION: There have been reports that the bolts that attach the main transmission ring gear to its carrier have become loose in service. This loss of torque could cause fretting corrosion, fatigue cracking of the carrier assembly, and fatigue fracture of the attaching bolts resulting in loss of power to the rotor system or jamming of the main transmission and could result in loss of control of the helicopter. The Federal Aviation Administration (FAA) issued AD 82-15-01 Amendment 39-4414 (47 FR 30050) which required inspection, rework, or replacement (as required), and increased bolt torque on the main transmission ring gear/carrier assembly on certain Hughes Model 269 series helicopters. The main transmission assemblies to which the AD applied are also found on the Model 269B helicopters, and the omission of that model from the applicability of the original AD was inadvertent.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aircraft, Aviation safety, Safety, Air transportation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Amendment 39-4414 (44 FR 30050), AD 82-15-01, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), is amended by revising the first paragraph to read as follows:

Hughes Helicopters.—Applies to Model 269A (all S/N's), TH-55A (all S/N's converted to civil use), 269A-1 (all S/N's), 296B (all S/N's), and 269C (S/N's 0001 through 1074) helicopters equipped with main transmission assemblies P/N 269A5175-7, -9, -11, -13, -15, and -17, except those transmissions with the letter "W" on the transmission nameplate below and adjacent to the transmission serial number. Applies to helicopters certificated in all categories.

This amendment becomes effective October 4, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportaion Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)). As such, it is subject to review only by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, TX, on September 9, 1982.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 82-26293 Filed 9-24-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-AWA-9]

Designation of Federal Airways, Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns VOR Federal Airway V-203 between Massena, NY, and Montreal, Canada. The realignment enhances traffic flow into Canadian airspace and improves traffic flow in the Mirabel and Dorval International Airports, Canada.

EFFECTIVE DATE: December 23, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On August 2, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of V-203 between Massena, NY, and Montreal, Canada, by realigning the airway via an east dogleg (47 FR 34998). Interested parties were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations realigns V-203 between Massena, NY, and Montreal, Canada. The realignment enhances traffic flow into Canadian airspace and improves traffic flow into the Mirabel and Dorval International Airports, Canada.

List of Subjects in 14 CFR Part 71

Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., December 23, 1982, as follows:

V-203 [Amended]

By deleting the words "Massena, NY, St. Eustache, PQ, Canada." and substituting for them the words "Massena, NY, INT Massena 045° and Montreal, Canada, 188° radials Montreal."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) amd 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 20, 1982.

John W. Baier,

Acting Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82-26466 Filed 9-24-82; 8:45 am]

BILLING CODE 4910-13-M

[Docket No. 21022A; Reg. Notice No. 91-100]

14 CFR Part 91

Emergency Air Traffic Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (FAR) (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This document provides notice of regulations already adopted that were immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91-100, emergency regulations implementing Special Federal Aviation Regulation (SFAR) No. 44, as amended, that were necessary to respond to a shortage in air traffic control personnel.

EFFECTIVE DATE/TIME: As stated in each regulation listed.

ADDRESSES: Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21022A, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Comments Invited

The regulations issued under § 91.100 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et seq.* In issuing the regulations in this notice, the FAA has found that the conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more frequently, as air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.100, comments on economic impact are specifically invited.

"Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

Effect of Publication

Publication, in the **Federal Register**, of emergency air traffic regulations issued under § 91.100 provides constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this constructive legal notice of immediately effective emergency regulations that have already been adopted. Additional emergency rules will be published periodically if the need for their adoption continues.

Availability Prior to Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffic regulations and NOTAMs under § 91.100 and the publication of these regulations in the **Federal Register**, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic Division offices prior to **Federal Register** publication and as long as they remain

effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning each flight.

Air Traffic Controller Shortage: SFAR No. 44, as Amended

The air traffic regulations listed in this amendment to Notice 91–100 follow the adoption of SFAR Nos. 44 through 44–5, in response to an organized air traffic controller job action. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To ensure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100.

Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations that are not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they were issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If these regulations are later determined to be significant, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 91:

Air traffic control, Airspace, Aviation safety.

Notice of Adoption

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100; 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulations have been adopted and covered by NOTAMs under that section.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)).)

In consideration of the foregoing, § 2 of Notice 91–100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC No. 2/1662.

Air Traffic Controller Shortage of 1981, and Related Emergency Conditions (SFAR–44, as amended; Docket No. 21022A).

* * * * *

FDC 1/2705	Cancel FDC 1/1540.
FDC 2/915	Cancel FDC 1/2760.
FDC 2/1697	Cancel FDC 2/1431.
FDC 2/1772	Cancel FDC 2/1632.
FDC 2/1970	Cancel FDC 2/1404.

FDC 2/1999 Emergency Flight Rules October 18 through 23, 1982. Flight Plan Filing/Annual Permian Basin Oil Show Reservation Rule/Odessa, Texas, effective August 20, 1982, 1621 GMT.

The Permian Basin Oil Show is expected to cause approximately 2,400 IFR aircraft operations to be added to the air traffic control (ATC) system. Current rules issued under SFAR 44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, only a departure reservation, regardless of destination, is required under the General Aviation Reservation Rule (GAR). This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination. Further, under the GAR, departure reservations cannot be obtained earlier than 24 hours prior to the estimated departure time. This provision does not facilitate accommodation planning.

To accommodate this traffic without excessive delays and inconvenience to the public, increased ATC staffing and reservations will be required. Pilots proposing general aviation flight to the Permian Basin area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation. Departure reservations for IFR flight from the Permian Basin area will be required and advance requests and filing will be necessary.

Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Pilots who plan IFR return flights and obtain IFR departure reservations under this rule have the advantage of being able to know their return departure date and time prior to leaving their "home" for the Permian Basin area.

Accordingly, pursuant to the SFAR 44, as amended, and Federal Aviation Regulations Section 91.100, the following rule is effective immediately to provide for the orderly handling and safe movement of IFR traffic:

1. No person may operate a nonscheduled general aviation flight under IFR into/or out of the Permian Basin area during the effective periods of this rule without a reservation issued under this rule.

2. The Permian Basin area includes the airspace within a 30-nautical mile radius of Midland Regional Airport, Midland, Texas, and includes the following airports:

Midland Regional, Midland Airpark, Schlemeyer.

3. The effective periods are October 20 through 23, 1982, daily from 0600 CDR until 2000 CDT.

4. Each person planning IFR flight under this rule shall comply with, in lieu of the GAR, the following:

A. Reservations may only be requested after 1400 GMT on October 18, 1982.

B. An arrival reservation to the Permian Basin area is required and must be obtained from the Central Flow Control Facility (Telephone No. (202) 382–6866).

C. A departure reservation from the Permian Basin area is required and must be obtained from the Midland FSS (Telephone No. (915) 563–2611).

D. A flight plan may only be filed after receiving a reservation, but must be filed at least 4 hours prior to the proposed departure time.

5. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

FDC 2/2030 Cancel FDC Nos. 1/1539, 1/1855, 1/2261, 1/2414, 1/2434, 1/2602, and 1/2631.

FDC 2/2037 EMERGENCY FLIGHT RULES September 4–17, 1982. Flight Plan Filing/Tool Manufacturers Convention, Chicago, Illinois, effective August 26, 1982, 1832 GMT.

The Tool Manufacturer's Convention is expected to generate an above normal and concentrated arrival demand at Chicago's Midway and Meigs Airports. In order to accommodate this demand without impacting other operations in the area, and because the General Aviation Reservation Rule (GAR) is oriented toward metering departures rather than arrivals, special regulations and procedures are required.

During this period, reservations will be required for nonscheduled general aviation IFR arrivals into the impacted

area. Once an IFR arrival reservation is obtained, the operator will not be bound by the GAR Rule for the segment of their trip to the impacted area. The GAR Rule will still apply to flight from the impacted area.

Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly.

Therefore, pursuant to Special Federal Aviation Regulation No. 44, as amended, and Federal Aviation Regulation § 91.100, the following rule is effective immediately to provide for the safe, orderly handling, and movement of IFR traffic:

1. No person may operate a nonscheduled general aviation flight under IFR into the Chicago Midway/Meigs Airports during the effective periods of this rule without a reservation issued under this rule.

2. The effective periods are as follows:

Arrivals—1100 until 1959 GMT daily from September 7 through September 11, and September 13 through September 17 (exclude Sunday, September 12).

3. Each person planning IFR under this rule shall comply with, in lieu of the GAR, the following:

A. Reservations may only be requested after 1400 GMT on September 4, 1982.

B. An arrival reservation to the Chicago Midway/Meigs Airports is required and must be obtained from the Central Flow Control Facility (Telephone No. (202) 382–6866).

4. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

FDC 2/2040 Emergency Flight Rules—IFR Flight Plan Filing/General Aviation Reservation Rule effective September 1, 1982, 0600 Local Time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the IFR Flight Plan Filing/General Aviation Reservation Rule (GAR). Previously, the GAR Rule allowed certain aircraft to operate within certain ARTCC areas without a reservation. Conditions are such that now all operations in and between the designated ARTCC's airspace in paragraph 4K can be accommodated without reservations.

Accordingly, pursuant to SFAR No. 44, as amended, and Federal Aviation Regulation Section 91.100, the following regulation is effective in the 20 conterminous ARTCC areas to provide for the orderly handling and safe movement of IFR traffic.

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above, are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. Flights to or from the high density airports designated in Subpart K of FAR Part 93 during the periods when reservations are required. (NOTE: Slot allocations for John F. Kennedy, LaGuardia, and O'Hare Airport may be adjusted consistent with pro rata reductions issued under SFAR 44, as amended.)

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Operations affecting certain ARTCC's are as follows:

Intra-ARTCC	Inter-ARTCC
Albuquerque..... Salt Lake.....	Seattle-Salt Lake City.

5. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

FDC 2/2147 EMERGENCY FLIGHT RULES September 19–24, 1982. Flight Plan Filing/National Business Aircraft Association (NBAA) Convention, St. Louis, Missouri, effective September 6, 1982, 12:55 GMT.

The NBAA Convention is expected to generate an above normal and concentrated air traffic demand within the St. Louis area. In order to accommodate this demand without impacting other operations in the area, and because the General Aviation Reservation Rule (GAR) is oriented toward metering departures rather than arrivals, special regulations and procedures are required.

During this period, reservations will be required for nonscheduled general aviation IFR flight to and from the impacted area. Once a reservation is obtained, the operator will not be bound by the GAR Rule for that segment of their flight for which the reservation was obtained.

Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly.

Therefore, pursuant to the Special Federal Aviation Regulations § 91.100, the following rule is effective immediately to provide for the orderly handling and safe movement of IFR traffic.

1. No person may operate a nonscheduled general aviation flight under IFR to or from the St. Louis area during the effective periods of this rule without a reservation issued under this rule.

2. The St. Louis area includes the airspace within a 25-nautical mile radius of St. Louis, Missouri, and includes the following airports:

BiState Parks (CPS)
Lambert-St. Louis International Airport (STL)
Spirit of St. Louis (SUS)

The effective periods are as follows:

A. *Arrivals:* September 19, 1200 until 2300 CDT, September 20 through 23, 0700 until 2300 CDT daily.

B. *Departures:* September 21 through 24, 0700 until 2300 CDT daily.

4. Each person planning IFR under this rule shall comply with, in lieu of the GAR Rule, the following:

A. Reservations may only be requested after 1400 GMT on September 17, 1982.

B. An arrival reservation to the St. Louis area is required and must be

obtained from the Central Flow Control Facility (Telephone No. (202) 382–6866).

C. A departure reservation from the St. Louis area is required and must be obtained from the St. Louis FSS (Telephone No. (314) 532–1011).

D. Flight plans may only be filed after receiving a reservation but must be filed at least 4 hours prior to the proposed departure time.

E. Flight plans for flight from the St. Louis area should be filed with the St. Louis FSS between the hours of 1100 and 0300 GMT.

5. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

Issued in Washington, DC, on September 17, 1982.

B. Keith Potts,

Acting Director, Air Traffic Service.

[FR Doc. 82-26424 Filed 9-24-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 357

Revision of Annual Report of Carriers by Pipeline: Form P

[Docket No. RM82-5-000; Order No. 260]

September 21, 1982.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: By this rule the Federal Energy Regulatory Commission (Commission) revises Form P, the annual report filed by oil pipeline companies and the related regulations at 18 CFR § 357.2, and redesignates the form as FERC Form No. 6. In creating new FERC Form No. 6, the Commission deletes some schedules entirely and deletes portions of other schedules previously included in Form P. These revisions are made as part of the Commission's ongoing program to review all of its reporting requirements and to eliminate those requirements that are not necessary to the performance of the Commission's responsibilities.

DATE: The final rule is effective October 27, 1982. It applies to reports filed on or before March 31, 1983, and all reports thereafter.

ADDRESS: Copies of FERC Form No. 6 are available at: Federal Energy Regulatory Commission, Division of Public Information, 825 North Capitol Street, N.E., Room 1000, Washington, D.C. 20426 (202) 357–8055.

FOR FURTHER INFORMATION CONTACT:

Elaine Dawson, Office of Chief Accountant, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 3405N, Washington, D.C. 20426, (202) 357–9190

Yvonne Owens, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 6006–B, Washington, DC 20426, (202) 357–9104

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) is revising Form P, "Annual Report of Carriers by Pipeline", redesignating it as FERC Form No. 6, "Annual Report of Oil Pipeline Companies",[1] and revising the related regulations at 18 CFR § 357.2. These revisions are part of the Commission's ongoing program to review and evaluate all of the information it collects for regulatory purposes and to eliminate any unnecessary reporting requirements. This rulemaking reduces the data collected in the old Form P by about 20 percent.

I. Background

A. History of Form P

In 1977, the responsibility to regulate oil pipeline companies was transferred to the Commission from the Interstate Commerce Commission (ICC).[2] In accordance with the transfer of authority, the Commission was delegated the responsibility under section 1 of the Interstate Commerce Act (49 U.S.C. § 1) to regulate the rates and charges for transportation of oil by pipeline and establish valuation of those pipelines, and under section 20 of that Act to require pipelines to file annual reports of information that is necessary to the Commission's exercise of its statutory responsibilities.[3]

Form P was originally developed by the ICC to collect information on an annual basis, to enable it to carry out its regulation of oil pipelines under the Interstate Commerce Act.[4] Many of the schedules in Form P were modeled after schedules in annual reports that were filed by other common carriers other than oil pipelines and, therefore, some of the information collected on Form P is unnecessary for the Commission's regulation of oil pipeline companies.

B. Summary of Notice of Proposed Rulemaking

On December 4, 1981, the Commission issued a Notice of Proposed Rulemaking to amend Form P and the related regulations at 18 CFR § 357.2. The proposed revisions to Form P included the following: (1) redesignating Form P as FERC Form No. 6, "Annual Report of Oil Pipeline Companies"; (2) eliminating information requirements from several schedules; (3) consolidating and clarifying the instructions in the form; (4) adding one new schedule entitled, "Statement of Changes in Financial Position", and (5) eliminating the following schedules entirely:

Title of schedule	Schedule No. in form P
Guaranties and Suretyships	110
Compensating Balances and Short-term Borrowing Arrangements	205
Special Deposits	206
Notes Receivable	210
Accounts Receivable	212
Companies Controlled Through Nonreporting Intermediaries	223
Sinking and Other Funds	225
Rental Expense of Lessee	243
Minimum Rental Commitments	244
Lessee Disclosure	245
Lease Commitments—Present Value	246
Income Impact—Lessee	247
Notes Payable	250
Accounts Payable	252
Long-Term Debt Changes During the Year	261
Security for Long-Term Debt	262
Stock Liabilities for Conversion of Securities of Other Companies	272
Abstracts of Terms and Conditions of Leases	342
Rentals	420
Abstracts of Leasehold Contracts	422
Compensation of Officers, Directors, etc	562

[1] FERC Form No. 6 (reproduced as *Appendix B* of the final rule) will not be printed in the **Federal Register**. A summary of the data required in the new form No. 6, however, is included as Appendix A of this rule. Copies of this final rule, including all appendices, are available at the Federal Energy Regulatory Commission, Division of Public Information, 825 North Capitol Street, N.E., Room 1000, Washington, D.C. 20426, (202) 357–8055. Blank copies of the form may be obtained, after October 1982, from the National Energy Information Center, Energy Information Administration.

[2] Section 402(b) of the Department of Energy Organization Act (DOE Act) (42 U.S.C. § 7172) provides that: "[t]here are hereby transferred to and vested in, the Commission all functions and authority of the Interstate Commerce Commission or any officer or component of such Commission where the regulatory function establishes rates or charges for the transportation of oil by pipeline or establishes the valuation of any such pipeline."

[3] The Secretary of Energy delegated to the Federal Energy Regulatory Commission the authority under the Interstate Commerce Act which was formerly vested in the ICC, as that statute relates "to the transportation of oil pipeline to the extent that such * * * [statute is] not transferred to, and vested in, FERC by Section 402(b) of the DOE Act * * *" (Delegation Order No. 0204–1, October 1, 1977).

[4] The filing of Form P had been required by § 1241.61 of the ICC's regulations (49 CFR § 1241.61). The Form P filings were required to be submitted to this Commission after passage of the DOE Act, under the authority of the ICC regulations. By Order No. 119, "Regulation of Interstate Oil Pipelines", Docket No. RM81–8, (issued December 19, 1980), 46 *Fed. Reg.* 9043 (January 28, 1981), the Commission transferred, among other things, the regulations requiring the filing of Form P to Title 18 of the Code of Federal Regulations. Thus, 49 CFR § 1241.61 was transferred to 18 CFR § 357.2.

Title of schedule	Schedule No. in form P
Competitive Bidding—Clayton Antitrust Act	[1] 595

[1] The deletion of Schedule 595 in no way affects the requirement for carriers to file a statement of competitive bidding transactions pursuant to the requirements in 49 CFR Part 1010.

The Commission stated in the notice that Form P could be revised to eliminate data without impairing the Commission's ability to regulate the rates and charges for transportation of oil by pipeline and to establish valuation of the pipelines. The Commission estimated that these revisions could reduce pipelines' reporting burden by about 20 percent.

II. Summary and Analysis Of Comments

In response to the Notice of Proposed Rulemaking, the Commission received twelve comments, all from jurisdictional oil pipeline companies.[5] In general, they agreed with the proposed revisions and supported the efforts of the Commission to reduce the reporting burden on oil pipelines. They offered several suggestions to further reduce and improve of the proposed form. These suggestions fall under three categories: general issues and procedures in filing the form, the format of the form, and comments to specific schedules of the form.

A. General Issues and Procedures

Commenters made certain suggestions respecting five general matters for the form. These were: (1) the complete elimination of the form, (2) classification of the respondents to the form, (3) reduction in the filing burden, (4) effective date of the final rule to revise the form, and (5) publication of statistics from the form.

1. *Complete Elimination of the Form.* One commenter questioned the need to gather information required in the annual report and proposed to eliminate Form P altogether as a step to decontrol oil pipelines.

The Commission will continue to collect data from oil pipeline companies because the Commission's responsibility to regulate rates and charges for transportation of oil by pipeline and to establish the valuation of any such pipelines continues under the DOE Act and the Interstate Commerce Act. Furthermore, this rulemaking eliminates from the form all but the most essential data that the Commission needs in the annual filing to effectively regulate oil pipelines. These changes should reduce the respondents' reporting burdens as compared to the old Form P.

2. *Classification of Respondents.* Another commenter proposed that companies be classified according to the amount of their assets or revenues so that companies below a minimum size (approximately $25,000,000) should not be required to file. As an alternative, the commenter suggested that small companies should only be required to submit the basic financial statements and not the detailed schedules as well.

The Commission believes some type of classification for oil pipelines may be worthy of consideration in the future. However, this matter beyond the scope of this rule, and the Commission is not prepared to consider it at this time. [6]

3. *Reduction in Filing Burden.* One commenter asserted that, while the changes proposed by the Commission should reduce the preparation time for the report, somewhat, the Commission's estimate of a burden reduction of 20 percent appeared very optimistic. Another commenter also observed that, while the proposed changes will reduce the number of schedules in the report by one-third and the number of pages by nearly one-half, this will not necessarily result in a commensurate reduction in the task of preparing the report.

The Commission realizes that not all of the oil pipelines will realize a 20 percent reduction in burden; some will realize less, others more. The basis for determining the estimated burden reduction was derived from the total number of elements of information deleted or simplified. The actual burden reduction for filing companies cannot be measured more accurately until the Commission gains experience with the new form. However, the Commission and the commenters were in agreement that there would probably be at least some reduction in the overall burden.

4. *Effective Date.* One commenter urged the Commission to revise Form No. 6 in sufficient time so that companies could use the new form to file data for the year ending December 31, 1981 (due March 31, 1982).

The Commission realized from the outset that it would be virtually impossible to make the proposed changes in time to file data for the year ending December 31, 1981. The comment period in this rulemaking ended February 2, 1982, leaving only a few weeks to complete work on the final rule at the Commission, obtain approval from the Office of Management and Budget for collection of the form under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501–3520), print the new form, and circulate it to filing companies before the reporting deadline of March 31, 1982. The Commission, therefore, proposed, and now makes final, the new Form No. 6 effective for the calendar year 1982 and each year thereafter, and the filings of the form are due on March 31st of each year. The first filing of the new form will be March 31, 1983.

5. *Publication of Statistics.* Three commenters suggested that the Commission compile and publish statistics from the Form No. 6 reports, similar to the transport statistics that were previously published by the Department of Energy. The commenters said that these publications would be useful to the public. Although the Commission understands this need, the Commission will not publish these statistics. Pursuant to section 205 of the DOE Act, the publication of such statistical compilations is within the responsibility of the Energy Information Administration. The Commission's publication of these statistics could be viewed as an inappropriate use of administrative resources. However, the completed forms, which would include these statistical data, will be available for review by the public at the Commission.

B. Format of the Form

The commenters discussed three matters related to the format of the form. These were: (1) the name of the form, (2) the identification of the pages in the form, and (3) the reporting of dollar amounts in the form.

One commenter suggested that the name of the form not be changed. However, the Commission believes that changing the form's name to "Annual Report of Oil Pipeline Companies" will more accurately describe the report from the standpoint of the Commission's regulatory responsibilities. In addition, the form's new designation of "FERC Form No. 6" will conform the report more closely to the Commission's reporting requirement classification system.

One commenter proposed that page numbers for the new form be in numerical sequence without use of

[5] ARCO Pipe Line Company, Buckeye Pipeline Company, Four Corners Pipe Line Company, Getty Oil Company, Mid-America Pipeline Company, Mobil Pipe Line Company, Shell Pipe Line Company, Sohio Pipe Line Company, Sonat Oil Transmission Inc., Texas Pipe Line Company, Union Alaska Pipeline Company, and Williams Pipe Line Company.

[6] The Commission is reluctant to make any determinations respecting reclassification before the resolution of the issues in the *Williams Pipe Line Company* case (Docket No. OR79–1) currently pending before the Commission. The changes to the Form P in this rulemaking are made for the purpose of reducing reporting burdens, and eliminating the filing of data that are unnecessary to the Commission, regardless of the outcome of the *Williams* case.

alphabetical designations and that the page numbers appear at the bottom of each page rather than the upper right corner. Other commenters suggested that the reference page numbers be retained in the Table of Contents because they are helpful to the use of the report.

The Commission has organized the schedules to which the pages refer to correspond to the account numbers in the Uniform System of Accounts and has eliminated all the alphabetical designations for the pages in the report. In addition to the other changes, the Commission has decided to replace its system of separate schedule numbers and reference page numbers with a system in which the schedule numbers and page numbers are the same. The page numbers are centered at the bottom of each page. The schedules will continue to be identified in a "Table of Schedules" at the beginning of the report.

One commenter proposed that, whenever possible, pipelines should be permitted to round reported dollar amounts to the nearest thousand dollars. The Commission has decided that it will continue to require reporting of dollar amounts on the basis of whole dollars, *i.e.*, rounding cents to the nearest dollar. One reason is that rounding dollars to the nearest thousand may inaccurately reflect the operations of smaller companies. In addition, dollar amounts are rounded to the nearest dollar in other Commission filings, including oil company evaluation reports and reports from companies that have both oil and natural gas operations. The Commission believes that this practice should continue here to establish a useable cross-reference between the various filings and reports.

As part of its format revisions, the Commission has also consolidated all of the definitions used in Form No. 6 in the General Instructions. The Commission has revamped most of the instructions in the form and increased the space for reporting data in the schedules. The Commission believes that all of these changes will make the form easier to use by the companies and will provide better data to the Commission.

C. Particular Schedules in the Form

1. *Schedules 120 and 121—Statement of Changes in Financial Position (New).* The four commenters who discussed this new schedule all favored its addition to the form. They agreed that the requested data would assist the Commission in analyzing operations of the individual pipelines and that the schedule would add only a minimal reporting burden.

2. *Schedule 104—Principal General Officers (Old Schedule 103).* One commenter proposed that column (b) of Schedule 103 entitled, "Department or departments over which jurisdiction is exercised" should be eliminated because officers could have corporate-wide functions rather than only the narrowly-defined departmental responsibilities. The Commission agrees with this comment and has eliminated column (b). The old description is too narrow and, as such, could result in burdensome reporting.

3. *Schedules 230 and 231—Data Pertaining to Federal Income and Other Taxes on the Comparative Balance Sheet (on Old Schedule 200).* One commenter proposed that "Comparative Balance Sheet Statement Notes" (on old Schedule 200) be revised to include a new category for cumulative tax savings from depreciation provided by the recently enacted tax legislation. [7] Another commenter recommended updating some sections on that statement (particularly those relating to deferred taxes) to make them correspond to changes occasioned by the new tax laws.

The Commission agrees with these suggestions and has accordingly provided a line item for ACRS—Accelerated Cost Recovery System-Economic Recovery Tax Act of 1981 in the new Schedules 230 and 231, "Analysis of Federal Income and Other Taxes Deferred".

4. *Schedules 208 and 209—Securities, Advances, and Other Intangibles, Owned or Controlled Through Nonreporting Carrier and Noncarrier Subsidiaries (Old Schedule 224).* Two commenters objected to the Commission's requirement of Schedule 224, claiming that the information reported on this schedule is not necessary to the Commission's regulatory responsibilities. One of these commenters also suggested that the Commission obtain this information directly from a company, as needed, rather than impose a reporting burden on all companies.

The Commission disagrees. The data in this schedule are used to compare the operations of the various companies and to determine historical trends of the industry. The Commission has, however, deleted from this schedule all but essential information to minimize, as much as possible, the reporting burden on companies that respond to it. Furthermore, as revised, the schedule should provide no burden to companies that are not utilizing an intermediary holding company.

5. *Schedules 214 and 215—Depreciation Base and Depreciation Rates (Old Schedule 231).* One commenter proposed that the instructions in Schedule 231 be clarified. The commenter stated that the schedule requires the balancing of the depreciation base with the total assets as of December 31st listed on Schedule 230. However, many companies base their depreciation on the prior month's balance (i.e., November) so that the correct balance for computing December's depreciation would, in fact, be the November ending balance. The commenter added that a reconciling process is needed to include the December data in order to comply with the instructions on Schedule 231.

The Commission has decided to retain the method of reporting of this information in new Schedules 214 and 215 because the information is designed to correspond to data in other subsidiary reporting schedules in the form and to the balance sheet. A revision to these schedule would, therefore, require corresponding changes to the other schedules and the resulting data reported would not be as useful to the Commission as it is in the current format. The Commission does also not feel that reconciling process poses a significant burden for the reporting companies.

6. *Schedule 220—Other Deferred Charges (Old Schedule 240).* Two commenters said that the information in this schedule is not necessary for the performance of the Commission's regulatory responsibilities. One of the commenters suggested that the Commission should obtain information on deferred charges directly from particular companies, as needed, rather than from all companies in an annual report. Two commenters suggested that the schedule require disclosure only of individual items over $100,000, and one commenter requested that the Commission permit items smaller than $100,000 to be grouped for reporting purposes.

The Commission has decided to retain this schedule because it is the only source of information on deferred charges that the Commission receives from all reporting companies. The Commission uses the data on the schedule for comparisons among the various companies, and for decisionmaking in its rate proceedings. The Commission, however, agrees with the suggestion respecting the threshold, and, accordingly has raised the reporting minimum for deferred charges

[7] Economic Recovery Tax Act of 1981, 26 U.S.C. § 1, *et seq.*

from $20,000 to $100,000. The data reported with a higher threshold should be sufficient for Commission purposes and the new threshold should further reduce respondent burdens.

7. *Lease Information—Deleted (Old Schedule Nos. 243, 244, 245, 246 and 247).* Two commenters approved of the elimination of the schedules pertaining to accounting for leases: Schedules 243 (Rental Expense of Leasee), 244 (Minimum Rental Commitments), 245 (Lessee Disclosure), 246 (Lessee Commitments, Present Value), and 247 (Income Impact-Lessee). They recommended, however, that the Commission continue to use generally accepted accounting principles in the regimen of oil pipeline accounting and financial reporting.

The Commission notes that the elimination of these schedules will not change the Commission's oil pipeline accounting procedures.

8. *Schedule 336—Interest and Dividend Income Information (Old Schedule 345).* Two commenters suggested that information reported on this schedule is not necessary for the performance of the Commission's regulatory responsibilities. One of the commenters suggested that the Commission obtain the information collected on this schedule on a case-by-case basis rather than impose a reporting burden on all companies.

The Commission believes the continued reporting of information on this schedule in the current format is necessary. This is because the Commission uses the information to compare interest and dividend income for all of the reporting companies, and to make decisions in rate proceedings.

9. *Schedules 600 and 601—Statistics of Operations (Old Schedule 400).* One commenter objected to this schedule because it requires too many details of deliveries into and out of pipeline systems, that are unnecessary for the Commission's regulatory purposes. The commenter, therefore, recommended that only the totals of these deliveries continue to be required. The commenter said that these revisions would save it an estimated 40 hours in the preparation of the annual report.

The Commission has decided to retain this schedule in its current format at this time because the Commission uses the data to determine any fluctuations in the companies' operation and maintenance expenses as a basis for field audits. However, the Commission may reconsider the requirement to report these data in a future revision of the form.

10. *Schedules 602 and 603—Miles of Pipeline Operated at Close of Year (Old Schedule 410).* Two commenters stated that a significant portion of the information reported on this schedule is already provided in the Form ACV 1, "Statement of Property Changes Other Than Land and Rights-of-Way", and in ACV–4, "Summary of Cost of Reproduction New and Cost of Reproduction New Less Depreciation". The commenter, therefore, suggested that this schedule be deleted. Another commenter also recommended the deletion of the schedule because it is not useful to the Commission and is burdensome to pipeline companies. In the alternative, the company suggested the eliminaton of the detailed information concerning gathering, crude oil, and refined products.

The Commission notes that the Forms ACV 1 and 4 are currently under review, as are other important pipeline proceedings. Until these matters are resolved, the Commission believes that it should continue to collect the data currently required on this schedule. In the future, the Commission may reconsider the requirement to report the data on this schedule.

11. *Schedule 350—Employees and Their Compensation (Old Schedule 561).* Two commenters objected to this schedule, stating that it collects data that are not necessary to the performance of the Commission's regulatory responsibilities. The commenters suggested that the Commission could obtain this detailed information from a company, as needed, rather than impose the reporting burden on all companies.

The Commission will continue collecting this information because it is used by the Commission to develop historical trends in the industry respecting employee services and the related costs reported each year. In addition, the Commission uses these data to evaluate the companies' labor costs projections as part of their justifications for a tariff increase.

12. *Schedule 351—Payments for Service Rendered by Other Than Employees (Old Schedule 563).* Two commenters objected to this schedule because it allegedly collects data that are not necessary for the performance of the Commission's regulatory responsibilities. They suggested that the information could be obtained directly from a company, when needed, rather than from all companies in an annual reporting requirement. As an alternative, one of the commenters suggested that the reporting minimums for service payments be raised to $100,000.

The Commission has decided to continue to collect this information because it enables the Commission to develop historical trends of services provided by reporting companies and to determine which costs should be included in a company's cost-of-service. The Commission will not raise the threshold because it would result in the loss of too many important data respecting payments smaller than $100,000.

III. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA), (5 U.S.C. §§ 601–612) requires certain statements, descriptions, and analyses of proposed and final rules that will have "a significant economic impact on a substantial number of small entities".

Of the 138 oil pipeline companies required to file the annual report, only about 25 companies have annual operating revenues below $1 million. The Commission does not consider this to be a substantial number of small entities. Moreover, this rule, if promulgated, should result in an overall reduction in the filing burden on all oil pipeline companies, both large and small, because most of the revisions either delete or consolidate the schedules presently included in the annual report, and clarify and simplify the requirements for filing the report. Therefore, under section 605(b) of the RFA, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

IV. Summary of Changes

The Commission has adopted the changes to the new Form No. 6 that were proposed in the notice,[8] except as modified by the revisions in response to the comments, discussed above. A summary of all of the changes to the form is attached at Appendix A.

The Commission has also adopted the changes to its regulations at § 357.2 that were proposed in the notice, and, in addition, makes certain nonsubstantive revisions. These revisions include identifying the form by its title in the body of the regulations, making an editorial change to the requirements of "when to file", and making minor reorganizational changes to the regulations.

V. Effective Date

This final rule is effective 30 days after the date of its publication in the **Federal Register.** It applies to reports to be filed on or before March 31, 1983, and for reports filed thereafter.

[8] *See* Part I of this final rule.

(Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352; E.O. 12009, 3 CFR 142 (1978); Interstate Commerce Act, 49 U.S.C. § 1, et seq.)

List of Subjects in 18 CFR Part 357

Pipelines, Uniform system of accounts.

In consideration of the foregoing, the Commission amends Form P and redesignates the form as FERC Form No. 6 as discussed above and as set forth in *Appendix B* which is not printed in the **Federal Register** and amends Part 357 of Subchapter R, Chapter I, Title 18 of the Code of Federal Regulations, as set forth below, effective thirty days after publication in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 357—ANNUAL SPECIAL OR PERIODIC REPORTS: CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

Section 357.2 is revised to read as follows:

§ 357.2 FERC Form No. 6, Annual report of oil pipeline companies.

Every carrier by pipeline subject to the provisions of section 20 of the Interstate Commerce Act must file with the Commission copies of FERC Form No. 6, "Annual Report of Oil Pipeline Companies" pursuant to the General Instructions set out in that form. This report must be filed on or before March 31st of each year for the previous calendar year, beginning with the year ending December 31, 1982.

BILLING CODE 6717-01-M

FERC FORM NO. 6 REVISIONS (Formerly P)

Title	Old Schedule Page No.	New Schedule Page No.	Retained-				Deleted Complete Schedule	Explanation
			As Is	Changed Threshold	Revised Instructions	Deleted Columns		
Cover (Data now titled - Identification)	–	1			X			Information moved from cover to separate page.
Notice (New title - Instructions for Filing the FERC Form No. 6)	–	i-iv			X			To clarify instructions and consolidate definitions on pages throughout old form.
Table of Contents (New title - List of Schedules)	–	2,3			X			Title change. Format change. Renumbered schedules and added a column, "Remarks" to indicate "N/A."
Identity of Respondent (New title - General Information)	101	101	X					
Directors	102	105			X	X		Revised instructions and deleted columns (c), (d), (e), and (f).
Principal General Officers	103	104			X	X		Deleted columns (b) and (d).
Corporate Control Over Respondent	108	102	X					
Stockholders Report	108A	3			X			Instructions moved to i. Non-filing to be reported at bottom of List of Schedules (new page 3).
Voting Powers and Elections (New Title- Voting Powers and Security Holders)	109	106,107				X		Column (e) and (f) merged. Spread to a two-page schedule to allow more space.
Guaranties and Suretyships	110	–					X	
Comparative Balance Sheet Statement	200	110-113	X		X			Expanded to a multiple page schedule to give more space. Federal taxes data moved to new 230 and 231. Notes (pension costs, political fund, marketable securities) moved to new 122 and 123.
Income Statement	300	114	X					Old lines 30 thru 32 moved to new schedule 122. Old lines 33 thru 40 moved to new schedule 231.
Analysis of Federal Income and Other Taxes Deferred	300A	230,231			X			Added line for ACRS-Accelerated Cost Recovery System—Economic Recovery Tax Act of 1981. Moved notes on taxes from old schedule, page 200.
Working Capital	302	117	X					
Notes and Remarks (new title – Notes to Financial Statements)	–	122,123			X			Moved and relocated to incorporate all notes applicable to the basic financial statements (new schedules 110 thru 121).
Unappropriated Retained Income Statement	305	119	X					
Dividend Appropriations of Retained Earnings	306	119				X		Deleted columns (b) and (c).
Compensating Balances and Short-Term Borrowing Arrangement	205	–					X	
Statement of Changes in Financial Position	–	120,121						Schedule added to allow for a more complete financial presentation of the financial condition of the pipelines to compensate for the loss of deleted data.
Special Deposits	206	–					X	

FERC FORM NO. 6 REVISIONS (Formerly P)

Title	Old Schedule Page No.	New Schedule Page No.	Retained- As is	Retained- Changed Threshold	Retained- Revised Instructions	Retained- Deleted Columns	Deleted Complete Schedule	Explanation
Notes Receivable	210	–					X	
Receivables from Affiliated Companies	211	200	X					
Accounts Receivable	212	–					X	
General Instructions Concerning Returns in Schedules 220 and 221	–	201			X			Moved definitions to new pages i thru iv.
Investments in Affiliated Companies	220	202,203			X	X		Deleted columns (e) thru (h), (j) and (l).
Investments in Common Stocks of Affiliated Companies	220A	204	X					
Other Investments	221	206,207			X	X		Deleted columns (d) thru (g), (i) and (k).
Companies Controlled Directly by Respondent Other Than Thru Title of Securities	222	205	X					
Companies Controlled Thru Nonreporting Intermediaries	223	–					X	
Securities, Advances, and Other Intangibles Owned or Controlled Thru Nonreporting Carriers and Noncarrier Subsidiaries	224	208,209				X		Deleted columns (c), (e) and (g).
Sinking and Other Funds	225	–					X	
Carrier Property	230	211-213	X					Instructions placed on separate page 211.
Depreciation Base and Rates – Carrier	231	214	X					Instructions placed on separate page 211.
Depreciation Base and Rates – System	231a	215	X					
Accrued Depreciation – Carrier Property	232	216	X					
Accrued Depreciation – System Property	232A	217	X					
Amortization Base and Reserve	233	218	X					
Noncarrier Property	234	219	X					
Other Deferred Charges	240	220		X				Raised from $20,000 to $100,000 threshold for grouping minor items.
Rental Expense of Lessee	243	–					X	
Minimum Rental Commitments	244	–					X	
Lessee Disclosure	245	–					X	
Lease Commitments – Present Value	246	–					X	
Income Impact-Lessee	247	–					X	
Notes Payable	250	–					X	
Payables to Affiliated Companies	251	225	X					
Accounts Payable	252	–					X	
Long-Term Debt Payable Within One Year	253	–					X	Except column (1) relocated to new schedule 226 and 227.
Long-Term Debt Payable After One Year	260	226,227			X	X		Deleted columns (d) thru (h). Added one from above.

FERC FORM NO. 6 REVISIONS (Formerly P)

Title	Old Schedule Page No.	New Schedule Page No.	Retained- As is	Retained- Changed Threshold	Retained- Revised Instructions	Retained- Deleted Columns	Deleted Complete Schedule	Explanation
Long-Term Debt Changes During the Year	261	–					X	
Security for Long-Term Debt	262	–					X	
Capital Stock	270	250,251				X		Deleted columns (n), (o), (p), (r), (s), and (u). Revised heading for column (v) to read "Book Value."
Capital Stock Changes During the Year	271	252,253			X			Revise title headings for column (d) and (i) to read, "Number of Shares."
Stock Liability for Conversion of Securities of Other Companies	272	–					X	
Additional Paid-in Capital	274	254	X					
Appropriated Retained Income	275	118	X					
Operating Revenue Accounts	310	301	X					
Operating Expense Accounts	320	302,303	X					
Pipeline Taxes (Other Than Income Taxes)	330	304	X					
Income From Noncarrier Property	340	335				X		Deleted column (d).
Abstracts of Terms and Conditions of Leases	342	–					X	
Interest and Dividend Income	345	336	X					
Miscellaneous Items in Income and Retained Income Accounts for the Year	360	337	X					
Statistics of Operations	400	600,601	X					
Miles of Pipeline Operated at End of Year Year	410	602,603	X					
Rentals	420	–					X	
Abstracts of Leasehold Contracts	422	–					X	
Employees and Their Compensation	561	350	X					
Compensation of Officers, Directors, Etc.	562	–					X	
Payments for Services Rendered by Other Than Employees	563	351	X					
Important Changes During the Year	591	108,109	X					
Competitive Bidding – Clayton Antitrust Act	595	–					X	
Verification, Oath, Supplemental Oath	–	1			X			Deleted requirement for Notary and Supplemental Oath
Memoranda (for use of Commission only)	–	–					X	
Index	–	Index			X			

[FR Doc. 82-26405 Filed 9-24-82; 8:45 am]
BILLING CODE 6717-01-C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 221

[Docket No. R-82-979]

Mutual Mortgage Insurance and Rehabilitation Loans

Correction

In FR Doc. 82-19112, beginning on page 30750 in the issue of Thursday, July 15, 1982, make the following corrections:

1. On page 30752, in the third column, the part heading should read "Part 203—Mutual Mortgage Insurance and Rehabilitation Loans".

2. On page 30753, in the third column, the line above paragraph 6., should read: "**§§ 203.444 through 203.456 [Removed]**".

3. On page 30754, in the second column, the line above paragraph "13." should read "**§ 221.251 [Amended]**".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7836]

Income Tax; Taxable Years Beginning After December 31, 1953; State and Local Government Deferred Compensation Plans

AGENCY: International Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to deferred compensation plans maintained by State and local governments and rural electric cooperatives. Changes to the applicable tax law were made by the Revenue Act of 1978. The regulations would provide the public with the guidance needed to comply with that Act, and would affect State and local governments and rural electric cooperatives that maintain deferred compensation plans, and employees whose compensation is deferred under the plans.

EFFECTIVE DATES: The regulations are generally effective for taxable years beginning after December 31, 1978. However, the rules relating to the tax treatment of participants in ineligible plans under § 1.457-3 are effective for taxable years beginning after December 31, 1981. In addition, the transitional rules of § 1.457-4 are effective for taxable years beginning after December 31, 1978, and before January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Charles K. Kerby, III of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, (Attention: CC:EE-176-78) (202-566-3422) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On December 24, 1980, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 457 of the Internal Revenue Code of 1954 (45 FR 85077). The amendments were proposed to conform the regulations to section 131 of the Revenue Act of 1978 (92 Stat. 2779). A public hearing on the proposed regulations was held on May 5, 1981. After consideration of all comments regarding the proposed amendments, these amendments are adopted (as revised) by this Treasury decision.

Exclusion From Income by Individuals

Under section 131 of the Revenue Act of 1978, employees and independent contractors who provide services for a State or local government or a rural electric cooperative that maintains an eligible deferred compensation plan may exclude from gross income compensation deferred under the plan until it is paid or otherwise made available.

General Plan Requirements

In order to be an eligible plan, the plan must provide that compensation deferred under the plan for any year may not exceed 33⅓% of the participant's includable compensation (in general, gross salary less any amount excludable from gross income) or $7,500, whichever is less. A plan may, however, inlcude a limited "catch-up" provision for any, or all, of the last three taxable years of a participant ending before the participant attains normal retirement age under the plan. Under the catch-up provision, a participant may defer an additional amount equal to any deferral limitations not utilized for prior taxable years after December 31, 1978, in which the participant was eiligible to participate under the plan and was subject to the normal deferral limitations. The amount that can be deferred under the catch-up provision is, however, limited to $15,000. The final regulations make clear that a plan may not permit the catch-up provision to be used more than once, whether or not the participant rejoins the plan or joins a new plan, and whether or not the catch-up is utilized in one or all three of the applicable taxable years. Under the final regulations, normal retirement age is expanded to include a limited range of ages at the option of the participant.

An individual may be a participant in more than one eligible plan. If an individual participates in two or more plans that are maintained by the same employer, any amount deferred under one plan reduces the amount that may be deferred under another, so that the total deferred under all the plans does not exceed the amount which could be deferred under a single plan. If an individual participates in two or more plans maintained by different employers, the maximum amount excludable from the gross income of the participant for a taxable year on account of amounts deferred under the plans cannot exceed $7,500, or, as applicable, the maximum permitted under the "catch-up rules.

If a participant in an eligible plan also has amounts contributed by the same employer for the purchase of a tax-sheltered annuity under Code section 403(b), the maximum amount that may be deferred under the eligible plan is reduced by the amount contributed for the purchase of the annuity contract. If the employer contributing amounts for the purchase of the annuity contract and the employer maintaining the eligible plan are different employers, the maximum deferral permitted under the eligible plan is not reduced by the amount contributed for the purchase of the annuity contract. However, the maximum amount excludable from the participant's gross income on account of amounts deferred under the eligible plan of the one employer is reduced to take into account amounts excludable under section 403(b) on account of contributions by the other employer for the purchase of the annuity contract. In general, in any case in which an individual is both a participant in an eligible plan and is an employee for whom amounts are contributed toward the purchase of an annuity contract under section 403(b), the deferral of compensation under the eligible plan will reduce the amount excludable from gross income under section 403(b), without regard to whether it is a single employer or different employers maintaining the eligible plan and contributing amounts for the purchase of the annuity contract.

Plan Distribution Requirements

An eligible plan is considered to provide a retirement benefit for the participant. Consistent with this view, the proposed regulations prescribed detailed rules limiting the period within which amounts deferred may be paid to the participant and limiting the manner in which distributions could be made to the participant's beneficiary. Commentators objected to the rules prescribed as much too complex and not justified in the case of governmental deferred compensation plans. Upon reconsideration, these rules are withdrawn and the more general incidental benefit rules applicable to qualified pension plans are substituted therefore.

Although the proposed regulations provided that distributions under an eligible plan need not commence until the year in which a participant attains age 70½, the final regulations may require the commencement of distributions at an earlier date if the plan does not specify a normal retirement age or if it specifies a normal retirement age under age 70½. It is not intended that this change adversely affect any eligible plan participant who, in reliance on the proposed regulations, made an irrevocable election to defer the distribution of amounts deferred under the plan until the year in which he or she attains age 70½. Accordingly, an eligible plan need not modify the distribution commencement date of any participant who made such an election prior to October 27, 1982.

PLan to Plan Transfers

The proposed regulations under § 1.457–2(k) prohibited transfers of amounts deferred between different eligible plans. After consideration of the comments received in opposition to this prohibition, the final regulations permit an eligible plan to provide for the transfer of amounts between eligible plans, so long as the entities sponsoring the plans are located in the same State, the plan provides for the automatic transfer of such amounts, and the new plan accepts such amounts.

Pre-1979 Deferred Amounts

The proposed regulations indicated that amounts deferred under an agreement or arrangement in taxable years beginning before January 1, 1979, were not to have the provisions of section 457 apply. The final regulations make clear that amounts deferred under a State deferred compensation plan before 1979 are subject to section 457 if made a part of an eligible plan.

Amounts Made Available

At the behest of commentators, the provisions illustrating when amounts will be made available have been clarified to confirm that redirection of past deferrals as well as current deferrals into different investment modes will not result in those amounts being made available. Other provisions and more examples have been added to further illustrate when amounts will be considered made available, in the case of participants and beneficiaries.

Comments were received urging that participants be permitted to retain the right to accelerate payments once payments have commenced. The final regulations, through examples, reject this suggestion and provide that deferrals under such arrangements will be considered made available. However, in keeping with past practice, payments already commenced will be permitted to be accelerated upon an unforeseeable emergency.

Commentators further urged that the distribution of *de minimis* accounts be expressly permitted in order to accommodate those who have reconsidered participation in the plan shortly after beginning participation. In the absence of any authority in the statute or legislative history to provide for this arrangement, the regulations do not adopt this suggestion. The right to withdraw such amounts from the plan will be considered to make the amounts deferred made available to the participant. Furthermore, a plan that provides for such an arrangement will contravene the payment requirements under § 1.457–2(h)(1) and will not be considered an eligible plan.

Regular Retirement Plan of a State

At the time that the proposed regulations were published in the Federal Register, comments were invited with respect to whether regulations could appropriately be promulgated that would exclude unfunded regular retirement plans of a State for the purpose of section 457(e)(1) notwithstanding the limited exceptions provided by section 457(e)(2), and, if so, under what circumstances. Many helpful comments were received on this issue. Nevertheless, in the absence of statutory authority to provide for the exclusion of such plans from section 457(e)(1) and without clearer legislative guidance as to what form this exclusion should take, it has been decided that it is inappropriate to provide for this exclusion through regulations. Consequently, deferrals under an unfunded regular retirement plan of a State will be considered to be made under an ineligible plan, and not excludable from income under section 457(a).

Transitional Rules

All plans to which section 457 applies will have until January 1, 1982, to satisfy the requirements for classification as an eligible State deferred compensation plan. However, for taxable years beginning after December 31, 1978, and before January 1, 1982, transitional rules provide that any amount of compensation deferred under a plan of deferred compensation, regardless of whether the plan is an eligible plan, is excludable from the gross income of the participant until paid or otherwise made available to the participant. However, the maximum amount that may be excluded from gross income for any year is $7,500 or 33⅓% of the participant's includible compensation. Under the transitional rules, increased deferrals under the limited "catch-up" provision are permitted only if the plan is an eligible plan.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of this regulation was Ray K. Kamikawa of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects

26 CFR 1.61–1—1.281–4

Income taxes, Taxable income, Exclusions.

26 CFR 1.401–0—1.425–1

Income taxes, Deferred compensation, Pension plans.

26 CFR 1.441–1—1.483–2

Income taxes, Accounting, Deferred compensation plans.

Adoption of Amendments to the Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph 1. Paragraph (a)(2) of § 1.101–1 is amended by deleting "or" at the end of subdivision (i), deleting the period at the end of subdivision (ii) and inserting in lieu thereof "; or", and by adding a new subdivision (iii) to read as follows:

§ 1.101–1 Exclusion from gross income of proceeds of life insurance contracts payable by reason of death.

(a) * * *

(2) *Cross reference.* * * *

(iii) Under eligible State deferred compensation plans described in section 457(b), see paragraph (c) of § 1.457–1.

* * * * *

Par. 2. Paragraph (b)(2) of § 1.101–2 is amended by deleting the period at the end of subdivision (iii) and inserting in lieu thereof a semicolon, and by adding a new subdivision (iv) to read as follows:

§ 1.101–2 Employees' death benefits.

* * * * *

(b) * * *

(2) *Cross references.* * * *

(iv) Under eligible State deferred compensation plans described in section 457 (b), see paragraph (c) of § 1.457–1.

* * * * *

Par. 3. Paragraph (d)(1) of § 1.403 (b)–1 is amended by revising subdivision (ii) and the flush paragraph which follows it to read as follows:

§ 1.403(b)–1 Taxability of beneficiary under annuity purchased by a section 501(c)(3) organization or public school.

* * * * *

(d) *Exclusion allowance*—(1) *In general.* * * *

(i) * * *

(ii) The aggregate of (*a*) the amounts which have been contributed by the employer for annuity contracts for such employee and which were excludable from the gross income of the employee for any taxable year prior to the taxable year for which the exclusion allowance is being determined, and (*b*) the amounts of compensation excludable from the gross income of the employee under section 457(a) (relating to eligible State deferred compensation plans) for any prior taxable year that is taken into account as a year of service under paragraph (f) of this section. Compensation deferred under an eligible State deferred compensation plan shall be taken into account as described in subdivision (ii) of this subparagraph even if the entity sponsoring the eligible plan is not the employer purchasing the annuity contract with respect to which the employee's exclusion allowance is to be determined. See paragraph (e) of this section for the definition of an employee's includible compensation in respect of a taxable year and paragraph (f) of this section for rules for computing an employee's total number of years of service for an employer.

* * * * *

Par. 4. The following new §§ 1.457–1, 1.457–2, 1.457–3 and 1.457–4 are added in the appropriate place.

§ 1.457–1 Compensation deferred under eligible State deferred compensation plans.

(a) *Year of inclusion in gross income*—(1) *In general.* For taxable years beginning after December 31, 1978, section 457(a) provides that amounts deferred (within the meaning of § 1.457–1(d)(3)) under an eligible State deferred compensation plan that satisfies the requirements of § 1.457–2 (an "eligible plan") are includible in gross income only for the taxable year in which paid or otherwise made available to the participant or beneficiary under the plan.

(2) *Maximum deferral; in general.* Under section 457(c)(1), the exclusion from gross income described in this paragraph (a) does not apply to compensation deferred under one or more eligible plans to the extent that the compensation so deferred during a participant's taxable year exceeds the greater of—

(i) $7,500, or,

(ii) As applicable, the sum of the plan ceilings determined under § 1.457–2(f), to the extent such sum does not exceed $15,000.

(3) *Maximum deferral; exclusions under section 403(b) taken into account.* Under section 457(c)(2), for a participant's taxable year for which an amount is contributed to an annuity contract described in section 403(b) (including a custodial account described in section 403(b)(7)) on behalf of the participant, subparagraph (2) of this paragraph (a) is applied by substituting—

(i) For $7,500, an amount equal to $7,500, less the amount excludable from the participant's gross income under section 403(b) for the taxable year,

(ii) For the sum of the plan ceilings determined under § 1.457–2(f), an amount equal to the sum of the plan ceilings determined under § 1.457–2(f), less the amount excludable from the participant's gross income under section 403(b) for the taxable year, if such amount is not taken into account under such § 1.457–2(f), and

(iii) For $15,000, an amount equal to $15,000, less the amount excludable from the participant's gross income under section 403(b) for the taxable year.

(b) *Amounts made available to participant or beneficiary.*—(1) *In general.* For purposes of section 457(a) and this section, amounts deferred under an eligible plan will not be considered made available to the participant or beneficiary if under the plan the participant or beneficiary may irrevocably elect, prior to the time any such amounts become payable, to defer payment of some or all of such amounts to a fixed or determinable future time. In addition, amounts deferred (including amounts previously deferred) under an eligible plan will not be considered made available to the participant solely because the participant is permitted to choose among various investment modes under the plan for the investment of such amounts whether before or after payments have commenced under the plan.

(2) *Examples.* Further examples of when amounts deferred will or will not be considered as being made available to the participant or beneficiary are provided below:

Example (1). (i) C, an individual, is a participant in an eligible State deferred compensation plan that provides the following:

(A) The total of the amounts deferred under the plan is payable to the participant in 120 substantially equal monthly installments commencing on the date 30 days after the participant attains normal retirement age under the plan (age 65), unless the participant elects, within the 90 day period ending on the date the participant attains normal retirement age, to receive a single sum payment of the deferred amounts. The single sum payment is payable to a participant on the date the first of the monthly payment would otherwise be payable to the participant.

(B) If a participant separates from the service of the State before attaining normal retirement age, the total of the amounts deferred under the plan is payable to the participant in a single sum payment on the date 90 days after the date of the separation, unless, before the date 30 days after the separation, the participant elects not to receive the single sum payment. The election is irrevocable. If the participant makes the election, the total of the amounts deferred under the plan is payable to the participant as described in (A), either in monthly installments or, at the election of the participant, in a single sum payment.

(ii) On June 6, 1982, C, a calendar year taxpayer aged 59, separates from the service of the State. On June 18, 1982, C elects not to receive the single sum payment payable on account of the separation. Because of C's election, no amount deferred under the plan is considered made available in 1982 by reason of C's right to receive the single sum payment.

(iii) On February 6, 1988, C attains age 65. C did not, within the 90 day period elect the single sum payment that is payable in lieu of the monthly installments. Amounts deferred under the plan are includible in C's gross income as they are paid to C in the monthly installments. No amount is considered made available by reason of C's right to elect the single sum payment.

Example (2). Assume the same facts as in example (1), except that the plan provides that notwithstanding that monthly installments have commenced under the plan, as described in (i)(A), the participant may, without restriction, elect to receive all or any portion of the amount remaining payable to the participant. The total of the amounts deferred under the plan is considered made available in 1988.

Example (3). Assume the same facts as in example (1), except that the plan provides that once monthly installment payments have commenced under the plan, as described in (i)(A), the participant may accelerate the payment of the amount remaining payable to the participant upon the occurrence of an unforeseeable emergency as described in § 1.457–2(h)(4) in an amount not exceeding that described in § 1.457–2(h)(5). No amount is considered made available to C on account of C's right to accelerate payments upon the occurrence of an unforeseeable emergency.

Example (4). Under an eligible plan of which individual D is a participant, normal retirement age is age 65 at which time payments must begin. Payments may begin earlier upon a separation from the service. Under the plan, a participant who separates from the service before age 65 or the participant's beneficiary (if the separation is due to the participant's death) may elect to defer the distribution of the amounts deferred until the year in which the participant attains or would have attained age 65. This election may be made only prior to the time any payments commence and once made may not be revoked. If such an election is made, the participant, former participant, or beneficary need not elect the method of payment, or if one is elected may change the method elected, until the date 30 days preceding the date upon which payments are to commence. No amount is considered made available by reason of D's right to defer the distribution of the amounts deferred until age 65, nor on account of D's right to delay the election of the method of payout. Similarly, if D dies at age 60, no amount is considered made available to D's beneficiary by reason of the beneficiary's right to defer the distribution of the amounts deferred until the year in which D would have attained age 65, nor on account of the beneficiary's right to delay the election of the method of payout.

Example (5). Under an eligible plan of which individual E is a participant, the maximum that may be deferred in any taxable year is 33⅓% of includible compensation, not to exceed $7,500. The plan does not provide for a catch-up deferral under section 457(b)(3). In one taxable year, E elects to have amounts deferred in excess of the limitation provided for under the plan. The amounts deferred in excess of the limitation will be considered to have been made available to E in the taxable year in which deferred.

Example (6). Assume the same facts as in example (5), except that E's employer also contributes amounts for the purchase of an annuity contract under section 403(b). In one taxable year, E has amounts contributed for the annuity within the limitations of section 403(b)(2), and also has amounts deferred under the eligible plan for the same year. The aggregate of the amounts contributed for the annuity contract and the amounts deferred under the plan exceed the deferral limitations under the plan. The excess deferrals will be considered made available to E in the year in which the amounts were deferred.

Example (7). Under an eligible plan of which F is a participant, amounts deferred have been invested in a money market investment fund. The plan then transfers the amounts deferred to a life insurance company for the purchase of life insurance contracts as an investment medium. However, the entity sponsoring the plan (1) retains all of the incidents of ownership of the contracts, (2) is the sole beneficiary under the contracts, and (3) is under no obligation to transfer the contracts or to pass through the proceeds of the contracts to any participant or a beneficiary of any participant. The movement of the amounts deferred to the life insurance company (whether or not made at the request of any plan participant) will not be considered to make the amounts available to the plan's participants. The cost of current life insurance protection under the life insurance contracts will not be considered made available to the plan's participants.

(c) *Life insurance proceeds and death benefits paid under eligible plan.* No amount received or made available under an eligible plan is excludable from gross income under section 101(a) (relating to life insurance contracts) or section 101(b) (relating to employees' death benefits).

(d) *Definitions.* For purposes of §§ 1.457–1 through 1.457–4:

(1) *Participant.* "Participant" means an individual who is eligible under § 1.457–2(d) to defer compensation under the plan.

(2) *Beneficiary.* "Beneficiary" means a beneficiary of a participant, a participant's estate, or any other person whose interest in the plan is derived from the participant.

(3) *Amounts deferred.* "Amount(s) deferred" under an eligible plan means compensation deferred under the plan, plus income attributable to compensation so deferred. Income attributable to compensation deferred under an eligible plan includes gain from the disposition of property. The term "amounts deferred" includes amounts deferred in taxable years beginning before January 1, 1979, if such amounts were deferred under a plan described in § 1.457–2(b), and such amounts were made a part of an eligible plan.

§ 1.457–2 Eligible State deferred compensation plan defined.

(a) *In general.* For purposes of §§ 1.457–1 through 1.457–4, an "eligible State deferred compensation plan" (sometimes referred to as "eligible plan") is a plan satisfying the requirements of paragraphs (c) through (k) of this section.

(b) *Plan.* For purposes of this section and § 1.457–3, the term "plan" includes any agreement or arrangement between a State (within the meaning of paragraph (c) of this section) and a participant or participants, under which the payment of compensation is deferred, but only if such agreement or arrangement is not described in § 1.457–3(b).

(c) *State.* The plan must be established and maintained by a State. For this purpose, the term "State" includes:

(1) The 50 states of the United States and the District of Columbia;

(2) A political subdivision of a State;

(3) Any agency or instrumentality of a State or political subdivision of a State;

(4) An organization that is exempt from tax under section 501(a) and engaged primarily in providing electrical service on a mutual or cooperative basis; and

(5) An organization that is described in section 501(c)(4) or (6) and exempt from tax under section 501(a) and at least 80% of the members of which are organizations described in subparagraph (4).

Where it appears in this § 1.457–2, the term "State" means the entity described in this paragraph (c) that sponsors the plan.

(d) *Participants.* The plan must provide that only individuals who perform services for the State, either as an employee of the State or as an independent contractor, may defer compensation under the plan.

(e) *Maximum deferrals*—(1) *In general.* The plan must provide that the amount of compensation that may be deferred under the plan for a taxable year of a participant shall not exceed an amount specifed in the plan (the "plan ceiling"). Except as described in paragraph (f) of this section, a plan ceiling shall not exceed the lesser of:

(i) $7,500, or

(ii) 33⅓% of the participant's includible compensation for the taxable

year, reduced by any amount excludable from the participant's gross income for the taxable year under section 403(b) on account of contributions made by the State.

(2) *Includible compensation.* For purposes of this section, a participant's includible compensation for a taxable year includes only compensation from the State that is attributable to services performed for the State and that is includible in the participant's gross income for the taxable year. Accordingly, a participant's includible compensation for a taxable year does not include an amount payable by the State that is excludable from the employee's gross income under section 457(a) and § 1.457–1 or under section 403(b) (relating to annuity contracts purchased by section 501(c)(3) organizations or public schools), section 105(d) (relating to wage continuation plans) or section 911 (relating to citizens or residents of the United States living abroad). A participant's includible compensation for a taxable year is determined without regard to any community property laws.

(3) *Compensation taken into account at its present value.* For purposes of subparagraph (1) of this paragraph, compensation deferred under a plan shall be taken into account at its value in the plan year in which deferred. However, if the compensation deferred is subject to a substantial risk of forfeiture (as defined in section 457(e)(3)), such compensation shall be taken into account at its value in the plan year in which such compensation is no longer subject to a substantial risk of forfeiture.

(f) *Limited catch-up*—(1) *In general.* The plan may provide that, for 1 or more of the participant's last 3 taxable years ending before the participant attains normal retirement age, the plan ceiling is an amount not in excess of the lesser of:

(i) $15,000, reduced by any amount excludable from the participant's gross income for the taxable year under section 403(b) on account of contributions made by the State, or

(ii) The amount determined under subparagraph (2) of this paragraph.

(2) *Underutilized limitations.* The amount determined under this subparagraph (2) is the sum of:

(i) The plan ceiling established under paragraph (e)(1) of this section for the taxable year, plus

(ii) The plan ceiling established under paragraph (e)(1) of this section for any prior taxable year or years, less the amount of compensation deferred under the plan for such prior taxable year or years. A prior taxable year shall be taken into account under subdivision (ii) of this subparagraph (2) only if (A) it begins after December 31, 1978, (B) the participant was eligible to participate in the plan during all or any portion of the taxable year, and (C) compensation deferred (if any) under the plan during the taxable year was subject to a plan ceiling established under paragraph (e)(1) of this section. A participant will be considered eligible to participate in the plan for a taxable year if the participant is described in paragraph (d) of this section for any part of that taxable year. A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by a different entity, provided that the entities sponsoring the plans are located within the same State as that term is used in § 1.457–2(c)(1).

(3) *Restriction on limited catch-up.* The plan shall not provide that a participant may elect to have the limited catch-up provision of this paragraph (f) apply more than once, whether or not the limited catch-up is utilized in less than all of the three taxable years ending before the participant attains normal retirement age, and whether or not the participant or former participant rejoins the plan or participates in another eligible plan after retirement. For example, if the participant elects to utilize the limited catch-up only for the one taxable year ending before normal retirement age, and, after retirement at that age, the participant renders services for the State as an independent contractor or otherwise, the plan may not provide that the participant may utilize the limited catch-up for any of the taxable years subsequent to retirement.

(4) *Normal retirement age.* For purposes of this paragraph (f), normal retirement age may be specified in the plan. If no normal retirement age is specified in the plan, then the normal retirement age is the later of the latest normal retirement age specified in the basic pension plan of the State, or age 65. A plan may define normal retirement age as any range of ages ending no later than age 70½ and beginning no earlier than the earliest age at which the participant has the right to retire under the State's basic pension plan without consent of the State and to receive immediate retirement benefits without actuarial or similar reduction because of retirement before some later specified age in the State's basic pension plan. The plan may further provide that in the case of a participant who continues to work beyond the ages specified in the preceding two sentences, the normal retirement age shall be that date or age designated by the participant, but such date or age shall not be later than the mandatory retirement age provided by the State, or the date or age at which the participant separates from the service with the State.

(g) *Agreement for deferral.* The plan must provide that, in general, compensation is to be deferred for any calendar month only if an agreement providing for such deferral has been entered into before the first day of the month. However, a plan may provide that, with respect to a new employee, compensation is to be deferred for the calendar month during which the participant first becomes an employee, if an agreement providing for such deferral is entered into on or before the first day on which the participant becomes an employee.

(h) *Payments under the plan*—(1) *In general.* The plan may not provide that amounts payable under the plan will be paid or made available to a participant or beneficiary before the participant separates from service with the State, or, if the plan provides for payment in the case of an unforeseeable emergency, before the participant incurs an unforeseeable emergency.

(2) *Separation from service; general rule.* An employee is separated from service with the State if there is a separation from the service within the meaning of section 402(e)(4)(A)(iii), relating to lump sum distributions, and on account of the participant's death or retirement.

(3) *Separation from service; independent contractor*—(i) *In general.* An independent contractor is considered separated from service with the State upon the expiration of the contract (or in the case of more than one contract, all contracts) under which services are performed for the State, if the expiration constitutes a good-faith and complete termination of the contractual relationship. An expiration will not constitute a good faith and complete termination of the contractual relationship if the State anticipates a renewal of a contractual relationship or the independent contractor becoming an employee. For this purpose, a State is considered to anticipate the renewal of the contractual relationship with an independent contractor if it intends to again contract for the services provided under the expired contract, and neither the State nor the independent contractor has eliminated the independent contractor as a possible provider of services under any such new contract. Further, a State is considered to intend to again contract for the services provided under an expired contract, if

the State's doing so is conditioned only upon the State's incurring a need for the services, or the availability of funds or both.

(ii) *Special rule.* Notwithstanding subdivision (i), if, with respect to amounts payable to a participant who is an independent contractor, a plan provides that—

(A) No amount shall be paid to the participant before a date at least 12 months after the day on which the contract expires under which services are performed for the State (or, in the case of more than one contract, all such contracts expire), and

(B) No amount payable to the participant on that date shall be paid to the participant if, after the expiration of the contract (or contracts) and before that date, the participant performs services for the State as an independent contractor or an employee,

the plan is considered to satisfy the requirement described in subparagraph (1) that no amounts payable under the plan will be paid or made available to the participant before the participant separates from service with the State.

(4) *Unforeseeable emergency.* For purposes of this paragraph (h), an unforeseeable emergency is, and if the plan provides for payment in the case of an unforeseeable emergency must be defined in the plan as, severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or of a dependent (as defined in section 152(a)) of the participant, loss of the participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon the facts of each case, but, in any case, payment may not be made to the extent that such hardship is or may be relieved—

(i) Through reimbursement or compensation by insurance or otherwise,

(ii) By liquidation of the participant's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship, or

(iii) By cessation of deferrals under the plan.

Examples of what are not considered to be unforeseeable emergencies include the need to send a participant's child to college or the desire to purchase a home.

(5) *Emergency withdrawals.* Withdrawals of amounts because of an unforeseeable emergency must only be permitted to the extent reasonably needed to satisfy the emergency need.

(i) *Distributions of deferrals*—(1) *Commencement of distributions.* A plan is not an eligible plan unless under the plan the payment of amounts deferred will commence not later than the later of—

(i) 60 days after the close of the plan year in which the participant or former participant attains (or would have attained) normal retirement age (within the meaning of § 1.457–2(f)(4)), or

(ii) 60 days after the close of the plan year in which the participant separates from service (within the meaning of §§ 1.457–2(h) (2) and (3)) with the State.

A plan is not other than an eligible plan merely because, prior to October 27, 1982, the distribution of amounts deferred under the plan may commence no later than the close of the participant's taxable year in which the participant attains age 70½.

(2) *Limitations on distributions.* Distributions must be made primarily for the benefit of participants (or former participants). Thus, the schedule selected by the participant for payments of benefits under the plan must be such that benefits payable to a beneficiary are not more than incidental. For example, if provision is made for payment of a portion of the amounts deferred to a beneficiary, the amounts payable to the participant or former participant (as determined by use of the expected return multiples in § 1.72–9, or, in the case of payments under a contract issued by an insurance company, by use of the mortality tables of such company), must exceed one-half of the maximum that could have been payable to the participant if no provision were made for payment to a beneficiary.

(3) *Distributions to beneficiaries.* A plan is not an eligible plan unless the plan provides that, if the participant dies before the entire amount deferred is paid to the participant, the entire amount deferred (or the remaining part of such deferrals if payment thereof has commenced) must be paid to a beneficiary over—

(i) The life of the beneficiary (or any shorter period), if the beneficiary is the participant's surviving spouse, or

(ii) A period not in excess of 15 years, if the beneficiary is not the participant's surviving spouse.

(j) *Administration of plan.* A plan is not an eligible plan unless all amounts deferred under the plan, all property and rights to property (including rights as a beneficiary of a contract providing life insurance protection) purchased with the amounts, and all income attributable to the amounts, property, or rights to property, remain (until paid or made available to the participant or beneficiary under the plan) solely the property and rights of the State (without being restricted to the benefits under the plan) subject to the claims of the general creditors of the State only. However, nothing in this paragraph (j) prohibits a plan's permitting participants to direct, from among different modes under the plan, the investment of the above amounts (see § 1.457–1(b)).

(k) *Plan-to-plan transfers.* The plan may provide for the transfer of amounts deferred by a former participant to another eligible plan of which the former participant has become a participant if the following conditions are met—

(1) The entities sponsoring the plans are located within the same State (as that term is used in § 1.457–2(c)(1)),

(2) The plan receiving such amounts provides for the acceptance of the amounts, and

(3) The plan provides that if the participant separates from service in order to accept employment with another such entity, payout will not commence upon separation from service, regardless of any other provision of the plan, and amounts previously deferred will automatically be transferred.

(l) *Effect on plan when not administered in accordance with paragraphs (c) through (k).* A plan that is administered in a manner which is inconsistent with one or more of the requirements of paragraphs (c) through (k) of this section ceases to be an eligible plan on the first day of the first plan year beginning more than 180 days after the date of written notification by the Internal Revenue Service that the requirements are not satisfied, unless the inconsistency is corrected before the first day of that plan year.

(m) *Examples.* The provisions of this section may be illustrated by the following examples:

Example 1. A, born on June 1, 1917, is a participant in an eligible State deferred compensation plan providing a normal retirement age of 65. The plan provides limitations on deferrals up to the maximum permitted under § 1.457–2 (e) and (f).

For 1979, A, who will be 62, is scheduled to receive a salary of $20,000 from the State. A desires to defer the maximun amount possible in 1979. The maximum amount that A may defer under the plan is the lesser of $7,500, or 33⅓% of A's includible compensation (generally the equivalent of 25 percent of gross compensation). Accordingly, the maximum that A may defer for 1979 is $5,000 [$5,000 = $20,000 × .25]. Although A's taxable year 1979 is one of A's last 3 taxable years before the year in which A attains normal retirement age under the plan, A is not able to utilize the catch-up provisions of § 1.457–2(f) in 1979 because only taxable

years beginning after December 31, 1978, may be taken into account under those provisions.

Example 2. Assume the same facts as in example 1. In A's taxable year 1980, A receives a salary of $20,000, and elects to defer only $1,000 under the plan. In A's taxable year 1981, A again receives a salary of $20,000 and elects to defer the maximum amount permissible under the plan's catch-up provisions prescribed under § 1.457–2(f). The applicable limit on deferrals under the catch-up provision is the lesser of $15,000 or the sum of the normal plan ceiling for 1981, plus any underutilized deferrals for any taxable year before 1981. Thus, the maximum amount that A may defer in 1981 is $9,000, the normal plan ceiling for 1981, $5,000, plus the under-utilized deferrals for 1980, $4,000.

Example 3. Assume the same facts as in examples 1 and 2. In A's taxable year 1982, the year in which A will attain age 65, normal retirement age under the plan, A desires to defer the maximum amount possible under the plan. For 1982 the normal limitations of § 1.457–2(e) are applicable, and the maximum amount that A may defer is $5,000, assuming that A's salary for 1982 was again $20,000. The plan's catch-up provisions prescribed under § 1.457–2(f) are not applicable because 1982 is not a year ending before the year in which A attains normal retirement age.

§ 1.457–3 Tax treatment of participants where plan is not an eligible plan.

(a) *In general.* If a State (within the meaning of § 1.457–2(c)) provides for a deferral of compensation (after the effective date described in paragraph (c)) under any agreement or arrangement described in § 1.457–2(b) that is not an eligible plan within the meaning of § 1.457–2—

(1) Compensation deferred under the agreement or arrangement shall be includible in the gross income of the participant of beneficiary for the first taxable year in which there is no substantial risk of forfeiture (within the meaning of section 457(e)(3)) of the rights to such compensation,

(2) Earnings credited on the compensation deferred under the agreement of arrangement shall be includible in the gross income of the participant or beneficiary only when paid or made available, provided that the interest of the participant or beneficiary in the assets (including amounts deferred under the plan) of the entity sponsoring the plan is not senior to the entity's general creditors, and

(3) Amounts paid or made available under the plan to a participant or beneficiary shall be taxable to the participant or beneficiary under section 72, relating to annuities.

(b) *Exceptions.* Paragraph (a) does not apply with respect to—

(1) A plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

(2) An annuity plan or contract described in section 402,

(3) A qualified bond purchase plan described in section 405(a),

(4) That portion of any plan which consists of a transfer of property described in section 83, and

(5) That portion of any plan which consists of a trust to which section 402(b) applies.

(c) *Effective date.* This section is effective for taxable years beginning after December 31, 1981. For rules applicable in taxable years beginning after December 31, 1978, and before January 1, 1982, see § 1.457–4.

§ 1.457–4 Transitional rules.

(a) *In general.* Subject to the limitations described in paragraphs (b) and (c) of this section, amounts deferred (within the meaning of § 1.457–1(d)(3)) in taxable years beginning after December 31, 1978, and before January 1, 1982 under a plan described in § 1.457–2(b) (including an eligible plan within the meaning of § 1.457–2, but not including a plan described in section 457(e)(2) and § 1.457–3(b)) shall be includible in gross income only for the taxable year in which paid or otherwise made available to the participant or other beneficiary.

(b) *General limitation.* Except as described in paragraph (c) of this section, and excluding amounts deferred in taxable years beginning before January 1, 1979, compensation deferred under one or more plans described in paragraph (a) of this section is excludable from a participant's gross income under this section for a taxable year only to the extent it does not exceed the lesser of—

(1) $7,500, or

(2) 33⅓% of the participant's includible compensation (within the meaning of § 1.457–2(e)(2)) for the taxable year, reduced by any amount excludable from the participant's gross income for the taxable year under section 403(b) on account of contributions made by the State (within the meaning of § 1.457–2(c)). For purposes of this paragraph, compensation deferred under a plan shall be taken into account at its value in the plan year in which deferred. However, if the compensation deferred is subject to a substantial risk of forfeiture (as defined in section 457(e)(3)), such compensation shall be taken into account at its value in the plan year in which such compensation is no longer subject to a substantial risk of forfeiture.

(c) *Limited catch-up.* This paragraph (c) applies if all plans described in paragraph (a) of this section in which an individual is a participant are eligible plans within the meaning of § 1.457–2, and the participant's taxable year is a taxable year described in section 457(b)(3) and § 1.457–2(f). In such a case, compensation deferred under the plans for the taxable year is excluded from gross income under paragraph (a) of this section to the extent it does not exceed the amount determined under § 1.457–1(a)(2) or, as applicable, § 1.457–1(a)(3).

(d) *Example.* The provisions of this section may be illustrated by the following example:

Example. A is a participant in a State deferred compensation plan that is not an eligible plan within the meaning of § 1.457–2. The plan provides no limitations on the amount of compensation that may be deferred during any taxable year. For the taxable years 1979, 1980, and 1981 A has includible compensation of $40,000. In each of those years, A has deferred $10,000 of compensation. Under the transitional rules described in this section, $7,500 of A's deferrals in each year will be includible in gross income in the taxable year in which paid or made available to A or A's beneficiary. The remaining $2,500 of each year's deferrals ($10,000 – $7,500) are includible in A's gross income for the deferral year. Thus, $2,500 is includible in A's gross income for each of the taxable years 1979, 1980, and 1981. The tax treatment of amounts deferred by A in taxable years after 1981 is described in § 1.457–3.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Dated: September 14, 1982.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved:

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82–26521 Filed 9–23–82; 9:56 am]

BILLING CODE 4830–01–M

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26 CFR Part 1

[T.D. 7835]

Income Tax; Taxable Years Beginning After December 31, 1953; Limitation on Additions to Bank Loss Reserves

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to limitation on additions to bank loss reserves. Changes to the tax law were made by the Economic Recovery Tax Act of 1981. The regulations would provide guidance to commercial banks that compute their bad debt deductions under the percentage of outstanding loans method.

DATE: The regulations are effective for taxable years beginning after 1981.

FOR FURTHER INFORMATION CONTACT: Susan K. Thompson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) under section 585(b)(2) of the Internal Revenue Code of 1954. These amendments conform the regulations to section 267 of the Economic Recovery Tax Act of 1981 (95 Stat. 266) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of New Provisions

Section 585 of the Internal Revenue Code of 1954 requires commercial banks to compute their bad debt deductions under either the "experience method" or the "percentage of outstanding loans" method. The latter method is being phased out under existing law. Section 267 of the Economic Recovery Tax Act of 1981 delays this process as it affects taxable years beginning in 1982. Under the Act, the applicable percentage of loans to be used by commercial banks in computing the bad debt deduction is 1.0 percent, rather than 0.6 percent, for these taxable years.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Non-Application of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Drafting Information

The principal author of these regulations is Susan K. Thompson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects in 26 CFR Part 1.

Income taxes, Banks.

Adoption of Amendments to the Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, 26 CFR Part 1 is amended as follows:

Section 1.585–2(b)(1)(i), relating to the maximum addition to reserves under the percentage method, and § 1.585–2(e)(1)(i), relating to the definition of base year under the percentage method, are amended to read as follows:

§ 1.585–2 Addition to reserve.

* * * * *

(b) *Percentage method*—(1) *In general*—(i) *Maximum addition.* Except as limited under subparagraph (2) of this paragraph, the maximum reasonable addition to the reserve for losses on loans under the percentage method for a taxable year is the amount determined under paragraph (b)(1) (ii), (iii), or (iv) of this section, whichever is applicable. For purposes of this paragraph, the term "allowable percentage" means 1.8 percent for taxable years beginning before 1976; 1.2 percent for taxable years beginning after 1975 but before 1982; 1.0 percent for taxable years beginning in 1982; and 0.6 percent for taxable years beginning after 1982 and before 1988. This paragraph does not apply for taxable years beginning after 1987.

* * * * *

(e) *Definitions*—(1) *Base year*—(i) *Percentage method.* For purposes of paragraph (b) of this section (relating to the percentage method), the term "base year" means: For years beginning before 1976, the last taxable year beginning on or before July 11, 1969; for taxable years beginning after 1975 but before 1983, the last taxable year beginning before 1976; and, for taxable years beginning after 1982, the last taxable year beginning before 1983. However, for purposes of section 585(b)(2)(A) the term "base year" means the last taxable year before the most recent adoption of the percentage method, if later than the base year as determined under the preceding sentence.

* * * * *

Because this Treasury decision will not be detrimental to any taxpayer, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: August 23, 1982.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82–26518 Filed 9–24–82; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 48

[T.D. 7834]

Various Excise Tax Amendments Relating to Lubricating Oil, Buses and Light-Duty Truck Parts Under the Energy and Revenue Tax Act of 1978, and the Technical Corrections Act of 1979

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to various excise tax amendments with respect to parts for light-duty trucks, rerefined lubricating oil and buses. Changes to the applicable tax laws were made by the Energy Tax Act of 1978, the Revenue Tax Act of 1978, and the Technical Corrections Act of 1979. The regulations would provide the public with guidance needed to comply with these Acts.

EFFECTIVE DATE: The regulations are generally effective for sales made on or after December 1, 1978.

FOR FURTHER INFORMATION CONTACT: Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 1981, the Federal Register published proposed amendments to the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under sections 4063(e), 4093(b), 4221(e)(5) and (6), and 4222(d) of the Internal Revenue Code of 1954 (Code) (46 FR 129). The amendments were proposed to conform the regulations to changes made by section 701(ff) of the Revenue Act of 1978 (Pub. L. 95–600, 92 Stat. 2924), and sections

404, 232 and 233(c) of the Energy Tax Act of 1978 (Pub. L. 95–618, 92 Stat. 3204, 3189, and 3191). In addition, the amendments reflect the changes made by section 108(c)(5) of the Technical Corrections Act of 1979 (Pub. L. 96–222, 94 Stat. 227). There was no public hearing since none was requested. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Summary of the Acts

The Revenue Act of 1978 amended section 4063 to provide an exclusion from the manufacturers excise tax imposed by section 4061(b) on parts or accessories for light-duty trucks when sold by the manufacturer, producer or importer for resale by the purchaser, or for resale by the second purchaser on or in connection with the first retail sale of a light-duty truck.

The Energy Tax Act of 1978 amended section 4093 to provide an exemption from the 6-cents-per gallon manufacturers excise tax imposed on lubricating oil by section 4091, if the lubricating oil is sold for use in mixing with previously used or waste lubricating oil which has been cleaned, renovated, or rerefined. The Energy Tax Act of 1978 also amended section 4221 to provide an exclusion from the manufacturers excise tax imposed by section 4071 on tires, tubes, and tread rubber if the tires, tubes, and tread rubber are sold by a manufacturer, producer, or importer for the purchaser's use on or in connection with an intercity, local, or school bus.

The Technical Corrections Act of 1979 amended section 4221 by repealing the 8-percent manufacturers excise tax on parts and accessories imposed by section 4061 if the parts and accessories are sold for use by the purchaser on or in connection with an automobile bus or are to be resold by the first or second purchaser for use on or in connection with an automobile bus.

Summary of Public Comments and Final Regulations

Parts or Accessories for Light-Duty Trucks.

The proposed regulations under section 4063(e) required registration of vendors and vendees as a prerequisite for a tax-free sale of parts or accessories sold on or in connection with the first retail sale of a light-duty truck. A number of comments were received objecting to the registration requirement on the grounds that it was unduly burdensome to parts and accessories manufacturers to secure the registration of over 8,000 dealers.

Commentators also objected to the registration requirements under the proposed regulation because it would place the manufacturer who only makes parts and accessories at a competitive disadvantage as compared to the manufacturer who makes both light-duty trucks and the parts and accessories for those trucks. The competitive disadvantage arises because the manufacturer who sells light-duty trucks and the parts and accessories for those trucks contemporaneously is able to sell the parts and accessories to dealers tax free under section 4061, which does not impose any registration requirement. Since a dealer can obtain the part or accessory tax free without registering by buying the parts from a manufacturer who is subject to section 4061, a dealer would not purchase the part or accessory from a manufacturer who is subject to section 4063. To eliminate this competitive disadvantage, the commentators suggest that the registration requirement under the proposed regulation be eliminated, and in lieu of registration, they suggested the use of an exemption certificate to effectuate the tax-free sale. This suggestion was rejected because the elimination of that requirement might create a precedent under other sections of the Code.

Several commentators also suggested that if dealers are required to register, then rather than require each dealer to file Form 720 quarterly for any part not used on or in connection with the first retail sale of a light-duty truck, each registered dealer should be required to notify the manufacturer of the non-exempt use and pay the Federal excise tax to the manufacturer. The manufacturer would then be required to file a return and pay the tax to the Service. Although this suggestion was not adopted, the final regulations eliminated the requirement that a dealer file Form 720.

Commentators also suggested allowing a tax-free sale under section 4063 when a manufacturer sells directly to an ultimate consumer who uses the part rather than to a dealer who resells the part. One comment was received from a field office objecting to allowing tax-free direct sales from a manufacturer to the ultimate consumer on the grounds that the Code expressly uses the language ". . . resold by the purchaser . . ." However, even though section 4063 uses the language "* * * resold by the purchaser * * *", which indicates that the purchaser must resell the part, a credit or refund is provided by section 6416(b)(2) to the person who paid the tax when the part is sold directly to the ultimate purchaser. To require the taxpayer to pay the tax and then file a claim for refund would create unnecessary paperwork for both the public and the Service. Therefore, the final regulations adopt the rule that a manufacturer may sell directly to an ultimate purchaser tax free. However, the final regulations do require a written certification from the ultimate purchaser in the form of an exemption certificate stating that the part or accessory was purchased for use on or in connection with a substantially contemporaneous purchase of a new light-duty truck.

Parts or Accessories for Buses

Several commentators suggested that the regulations expressly provide means whereby purchasers purchasing "tax paid" parts or accessories for use on or in connection with an automobile bus could avail themselves of the credit or refunds provided by section 6416(b)(2)(I). The suggestion was rejected because there is no authority under any section of the Code for purchasers who purchased "tax paid" to obtain a direct refund from the Service. The credit or refund provided by section 6416(b)(2)(I) is available only to the person who paid the tax to the Service.

Numerous commentators suggested that the final regulations under § 48.4221–12 eliminate the registration and record-keeping requirements for the tax-free sale of parts or accessories that can be readily identifiable by the manufacturer as parts only usable on a bus and thus eliminate further substantiation as required in the proposed regulations. The final regulations do not adopt this rule because under section 4222 registration is required to sell an article tax-free under section 4221 unless the tax-free sale is within one of the exceptions listed under section 4222(b). Since tax-free sales of parts and accessories for buses are not one of these exceptions, registration is required.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although a notice of proposed rulemaking which solicited public comments was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure

requirement of 5 U.S.C. 553 did not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of this regulation is Annie R. Alexander of the Legislation and Regulations Division of the office of Chief Counsel Internal Revenue Service. However, personnel from other offices of the Internal Revenue and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 48

Agriculture, Arms and munitions, Automobile buses, Coal excise taxes, Light-duty truck parts, Lubricating oil, Gasohol, Gasoline, Motor vehicles, Petroleum, Sporting goods, Tires, Tubes, Tread rubber.

Adoption of Amendments to the Regulations

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Accordingly, 26 CFR Part 48 is amended as follows:

Paragraph 1. Section 48.4063–2 is redesignated § 48.4063–3 and a new § 48.4063–2 is added to read as follows:

§ 48.4063–2 Tax-free sales of parts or accessories sold for resale on or in connection with the first retail sale of a light-duty truck.

(a) *In general.* Under section 4063(e), the 8-percent manufacturers excise tax imposed by section 4061(b) on the sale of truck parts or accessories does not apply to the sale by the manufacturer, producer, or importer of any parts which are to be resold by the purchaser on or in connection with the first retail sale of a light-duty truck as defined in section 4061(a)(2), or which are to be resold by the purchaser to a second purchaser for resale by the second purchaser on or in connection with the first retail sale of a light-duty truck. A tax-free sale is also allowed under section 4063(e) if an ultimate purchaser makes a direct purchase from a manufacturer of a part or accessory for use on or in connection with a substantially contemporaneous purchase of a new light-duty truck.

(b) *Evidence required for tax-free sales of light-duty truck parts and accessories*—(1) *In general.* The provisions of section 4063(e) do not apply with respect to any sale unless the manufacturer, the first purchaser, and the second purchaser, if any, are all registered as required under section 4222, and unless they comply with all the requirements under that section relating to tax-free sales. To effectuate a tax-free sale directly from the manufacturer, first or second purchaser to an ultimate purchaser, the ultimate purchaser must, in every case, satisfy the provisions of paragraphs (b)(3)(i), (ii) and (iii) of this section. Persons not required to be registered under section 4222(b) may purchase articles tax free by following the same procedures that apply to them in the case of other tax-free sales. See § 48.4222(b)–1.

(2) *Revocation or suspension of registration or right to use exemption certificate.* A person's registration and right to sell or purchase articles tax free through the use of an exemption certificate may be revoked or suspended. See § 48.4222(c)–1. Such a revocation or suspension shall be in addition to any other penalties that may apply. Any person who purchases articles tax free and who sells or uses them for a non-exempt purpose shall notify its vendor of the taxable sale or use.

(3) *Exemption certificate*—(i) To establish exemption from tax under section 4061(b) in those instances where a sale is made directly to an ultimate purchaser, the manufacturer, first, or second purchaser must obtain (prior to or at the time of sale) from the ultimate purchaser and retain in its possession a properly executed exemption certificate in the form prescribed in paragraph (b)(3)(iii) of this section.

(ii) Where only occasional sales are made, a separate exemption certificate shall be furnished for each order. However, where sales are regularly or frequently made to a purchaser for such exempt use, a certificate covering all sales for a specified period not to exceed 12 calendar quarters will be acceptable. Such certificates and proper records of invoices, orders, etc. relative to tax-free sales must be kept for inspection by the district director as provided in section 6001 and the regulations thereunder.

(iii) The following form of exemption certificate will be acceptable for purposes of this section and must be adhered to in substance.

Exemption Certificate

(For use by ultimate purchaser who purchase parts or accessories from a manufacturer, producer, importer, first or second purchaser for use on or in connection with the first retail sale of a light-duty truck. (Section 4063 of the Internal Revenue Code.))

(Date)———— 19———.

1. I, the undersigned, certify that I am, or the (Name of company ———— of which I am (Position held————, is purchasing from the manufacturer, producer, importer, first or second purchaser the parts or accessories specified in section 2 below (or in the purchase order or invoice attached hereto) for use on or in connection with a substantially contemporaneous purchase of a new light-duty truck specified in section 3 below. I also certify that (check applicable type of certificate) ——— the article or articles specified in the accompanying order, as described below, or ———— all orders placed by the purchaser for the period commencing (Date)——— and ending (Date)——— (period not to exceed 12 calendar quarters), will be used only for the above stated tax-exempt purposes and will not be used as a replacement part.

I understand that the willful use of this exemption certificate to evade or defeat the manufacturers excise tax otherwise applicable to these parts or accessories will subject me to a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, together with cost of prosecution.

(Signature)————.

(Address)————.

2. *Description of parts and accessories*

Type	Quantity	Price	Total

3. *Description of new light-duty truck*

(a) Type: (b) Quantity, (c) Serial Number. (d) GVWR: (e) Date of Sale, (f) Invoice Number.

(g) Name and Address of Vendor of Vehicle.

(c) *Information; records*—(1) *Information to be furnished to vendee.* A vendor (including the manufacturer) selling light-duty truck parts and accessories tax free under section 4063(e) shall indicate to its vendee that the vendee is obtaining the parts or accessories tax free for the purpose of resale (or use) on or in connection with the first retail sale of a light-duty truck. This information may be transmitted by any convenient means, such as coding of sales invoices, provided that the information is presented with sufficient particularity so that the purchaser is informed that the purchaser has obtained the light-duty truck parts or accessories tax free.

(2) *Records of vendor.* A manufacturer or vendor selling light-duty truck parts or accessories tax free under section 4063(e) shall maintain in its records the identity of the purchaser, a signed statement of the exempt purpose for purchasing the light-duty truck parts or accessories, and the quantity of light-duty truck parts or accessories sold tax free to each purchaser.

(3) *Records of vendee.* A person purchasing light-duty truck parts or accessories tax free under section 4063(e) must maintain sufficient records to establish that the parts or accessories purchased tax free have actually been

resold (or used) on or in connection with the first retail sale of a light-duty truck or have been resold to a second purchaser for such a resale by the second purchaser.

(d) *Duty of selling manufacturer to ascertain validity of tax-free sale.* The selling manufacturer of light-duty truck parts is not relieved of liability under the provisions of section 4063(e) by reason of section 4221(c) for the tax imposed by section 4061(b) if at the time of sale the selling manufacturer has knowledge or reason to believe that the light-duty truck parts or accessories sold by it to the purchaser are not intended for resale (or use) on or in connection with the first retail sale of a light-duty truck. The selling manufacturer is also not relieved of liability if it has knowledge or reason to believe that the purchaser has failed to register, refused to execute an exemption certificate, or that its registration or its right to purchase tax free through the use of an exemption certificate has been revoked or suspended.

(e) *Cross reference.* For credit or refund, see section 6416(b)(2).

(f) *Effective date.* Section 4063(e) (relating to light-duty truck parts and accessories) applies to sales on or after December 1, 1978. Light-duty truck parts or accessories sold prior to that date are not exempt from tax under section 4061(b) by reason of section 4063(e).

Par. 2. Immediately after § 48.4093–1 there is added the following new section.

§ 48.4093–2 Tax-free sales of new lubricating oil sold to produce rerefined lubricating oil.

(a) *In general.* Under section 4093(b), the 6-cents-per-gallon excise tax imposed by section 4091 on the sale of lubricating oil does not apply to new lubricating oil which is sold by the manufacturer directly to a producer of rerefined oil for the purpose of producing rerefined lubricating oil if the requirements of this section are met. Rerefined lubricating oil is a mixture of new oil with used or waste oil in which 25 percent or more of the mixture is used or waste lubricating oil which has been cleaned, renovated, or rerefined. Any person to whom lubricating oil is sold tax free under section 4093(b) shall be treated as the producer of the lubricating oil.

(b) *Use of new oil to produce rerefined oil.* Under section 4093(b), all the new lubricating oil in a mixture is exempt from the six-cents-per-gallon manufacturers excise tax imposed by section 4091 if the rerefined oil contains 55 percent or less new oil. To the extent that the rerefined oil contains more than 55 percent new oil, then that portion of new lubricating oil which exceeds 55 percent of the mixture is subject to the section 4091 excise tax, and only that part of the new oil that does not exceed 55 percent of the mixture is exempt from the tax.

(c) *Requirement for lubricating oil purchasers purchasing tax free.* In order for the sale of lubricating oil by the manufacturer to the purchaser to be exempt from tax under section 4093(b), both the purchaser and the manufacturer must be registered as required under section 4222, and they must comply with all the requirements under that section relating to tax-free sales. See § 48.4222(a)–1. Persons not required to be registered under section 4222(b) may purchase tax free by following the procedures that apply to them in the case of other tax-free sales. See § 48.4222(b)–1. For revocation or suspension of registration, see § 48.4222(c)–1.

(d) *Duty of selling manufacturer to ascertain validity of tax-free sale.* The selling manufacturer of lubricating oil is not relieved of liability under the provisions of section 4093(b) by reason of section 4221(c) for the tax imposed by section 4091 if at the time of sale the selling manufacturer has knowledge or reason to believe that the lubricating oil sold by it to the purchaser is not intended for mixing with used or waste oil for the purpose of producing rerefined oil, or that the purchaser has failed to register, or that its registration has been revoked or suspended.

(e) *Information; records*—(1) *Information to be furnished to purchaser.* A manufacturer selling lubricating oil tax free under section 4093(b) shall indicate to the purchaser that the purchaser is obtaining the lubricating oil tax free for the purpose of making rerefined lubricating oil. The manufacturer may transmit this information by any convenient means, such as coding of sales invoices, provided that the information is presented with sufficient particularity so that the purchaser is informed that the purchaser has obtained the lubricating oil tax free and the purchaser can compute and remit the tax due if the lubricating oil is diverted to a taxable use.

(2) *Records of Manufacturer.* A manufacturer selling lubricating oil tax free under section 4093(b) shall maintain in its records the identity of the purchaser, a signed statement of the exempt purpose for purchasing the lubricating oil, and the quantity of lubricating oil sold tax free to each purchaser.

(3) *Records of Purchaser.* A person purchasing lubricating oil tax free under section 4093(b) must maintain sufficient records to establish that the lubricating oil purchased tax free has actually been mixed with used or waste oil to make rerefined lubricating oil (as defined under paragraph (a) of this section) and that the quantity of new lubricating oil used in the mixture meets the requirements under paragraph (b) of this section.

(f) *Credit or refund.* A credit or refund is available for the 6-cents-per-gallon excise tax paid on up to 55 percent of new lubricating oil contained in a mixture of new lubricating oil with waste or rerefined oil of which at least 25 percent is waste lubricating oil. The refund or credit will be available when the mixture is used or sold. See section 6416(b)(2).

(g) *Effective date.* Section 4093(b) (relating to rerefined lubricating oil) applies to sales on or after December 1, 1978. Lubricating oil sold prior to December 1, 1978 is not exempt from tax under section 4093(b).

Par. 3. Section 48.4221–1 is amended as follows:

1. Paragraph (b)(2)(v) is revised to read as set forth below.
2. Paragraph (b)(2)(viii) is redesignated as paragraph (b)(2)(ix).
3. A new paragraph (b)(2)(viii) is added to read as set forth below.
4. Paragraph (b)(2)(ix) is redesignated as paragraph (b)(2)(x) and is revised to read as set forth below.
5. Paragraph (b)(2)(x) is redesignated paragraph (b)(2)(xi) and revised to read as set forth below.
6. Paragraph (b)(2)(xii) is added to read as set forth below.

The new and revised provisions read as follows:

§ 48.4221–1 Tax-free sales; general rules.

* * * * *

(b) Manufacturer relieved of liability in certain cases * * *

(2) The following are situations wherein sections 4221(c) is applicable with respect to sales made tax free on the assumption that one of the following sections of the Code provides exemption for such sales.

* * * * *

(v) Section 4063(a)(6), relating to sales of any automobile bus chassis or automobile bus body (see regulations thereunder),

* * * * *

(viii) Section 4063(e), relating to light-duty truck parts (see regulations thereunder),

* * * * *

(x) Section 4093, relating to the sale of lubricating oil or rerefined oil to a manufacturer or producer of lubricating or rerefined oil (see regulations thereunder),

(xi) Section 4221(e)(5), relating to the sale of tires, tubes, and tread rubber used on intercity, local, or school buses (see regulations thereunder), and

(xii) Section 4221(e)(6), relating to the sale of bus parts and accessories (see regulations thereunder).

Par. 4. Sections 48.4221–11 and 48.4221–12 are added immediately after 48.4221–10 to read as follows:

§ 48.4221–11 Tax-free sales of tires, tubes, and tread rubber used on intercity, local, and school buses.

(a) *In general.* Under section 4221(e)(5), the taxes imposed by section 4071(a)(1), (3) and (4) shall not apply to sales by a manufacturer, producer, or importer of tires of the type used on highway vehicles or inner tubes for tires sold for use by the purchaser on or in connection with a qualified bus, or to the sales by a manufacturer, producer, or importer of tread rubber sold for use by the purchaser in the recapping or retreading of any tire to be used by the purchaser on or in connection with a qualified bus if the requirements of this section are met.

(b) *Meaning of terms.*—(1) *Qualified bus.* "Qualified bus" means an intercity, local, or school bus.

(2) *Intercity or local bus.* "Intercity or local bus" means any automobile bus which is used predominantly (more than 50 percent) in furnishing (for compensation) passenger land transportation available to the general public if such transportation is scheduled and along regular routes, or if the seating capacity of the bus is at least 20 adults (not including the driver). In determining predominant use, mileage travelled with passengers as well as mileage travelled incidental to such passenger transportation, such as "deadheading", is counted. Under the first alternative, the size of the bus is not relevant for purposes of determining whether or not the use of the bus qualifies for the exemption. Under the second alternative, for non-scheduled bus operations, such as that provided by charter buses, the exemption is available only if the bus has a passenger seating capacity of at least 20 adults and the transportation is available to the general public. For purposes of determining whether the bus has a seating capacity of at least 20 adults, the bus driver is not included. Service is available to the general public if bus service is used in a passenger transportation business in which service is offered to more than a limited number of persons, groups, or organizations.

(3) *School bus.* "School bus" means any automobile bus in which "substantially all" (85 percent or more) of the use involves transporting students and employees of a school. Incidental use (deadheading) of the school bus without passengers to or from a point to which students or employees of school are transported is considered to be a use which involves transporting students or employees of schools. A school is any educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are carried on. Tax-exempt schools, taxable schools, and a private contractor who operates a bus for tax-exempt or a taxable school may qualify for the tax exemption if all the requirements of this section are met.

(b) *Registration requirements for tires, tubes, and tread rubber; vendees purchasing tax free.* The provisions of section 4221(e)(5) do not apply with respect to any sale unless the manufacturer and the vendee are registered as required under section 4222, and unless they comply with all the requirements under that section relating to tax-free sales. See § 48.4222(a)–1. Persons not required to be registered under section 4222(b) may purchase articles tax free by following the same procedures that apply to them in the case of other tax-free sales. See § 48.4222(b)–1. A person's registration and right to sell or purchase articles tax free may be revoked or suspended as provided in § 48.4222(c).1. Such a revocation or suspension shall be in addition to any other penalties that may apply.

(c) *Cross reference.* For credit or refund, see section 6416(b)(2).

(d) *Information; records*—(1) *Information to be furnished to purchaser.* A manufacturer selling tires, tubes, or tread rubber tax free under section 4221(e)(5) shall indicate to the purchaser that the purchaser is obtaining the tires or tubes tax free for the purpose of use on or in connection with a qualified bus, and that the purchaser is obtaining the tread rubber tax free for use in the recapping or retreading of tires to be used by the purchaser on or in connection with a qualified bus. The manufacturer may transmit this information by any convenient means, such as coding of sales invoices, provided that the information is presented with sufficient particularity so that the purchaser is informed that the purchaser has obtained the tires, tubes, and tread rubber tax free.

(2) *Records of Manufacturer.* A manufacturer selling tires, tubes, or tread rubber tax free under section 4221(e)(5) shall maintain in its records the identity of the purchaser, a signed statement of the exempt purpose for purchasing the tires, tubes, or tread rubber, and the quantity of tires, tubes, or tread rubber sold tax free to each purchaser.

(3) *Records of Purchaser.* A person purchasing tires, tubes, or tread rubber tax free under section 4221(e)(5) must maintain sufficient records to establish that the tires, tubes, or tread rubber purchased tax free has actually been used for that purpose.

(e) *Duty of selling manufacturer to ascertain validity of tax-free sale.* The selling manufacturer is not relieved of liability under the provisions of section 4221(e)(5) by reason of section 4221(c) for the tax imposed by section 4061(b) if at the time of sale the selling manufacturer has knowledge or reason to believe that the tires, tubes, or tread rubber sold by it to the purchaser are not intended for use on an intercity, local, or school bus, or that the purchaser has failed to register, or that its registration has been revoked or suspended.

(f) *Effective date.* Section 4221(e)(5) (relating to tires, tubes, and tread rubber) applies to sales on or after December 1, 1978. The sale of tires, tubes, or tread rubber sold prior to that date is not exempt from tax under section 4221(e)(5).

§ 48.4221–12 Tax-free sales of bus parts and accessories.

(a) *In general.* Under section 4221(e)(6), the 8-percent manufacturers excise tax on parts and accessories imposed by section 4061(b) shall not apply to sales by a manufacturer, producer, or importer of any part or accessory which is sold for use by the purchaser on or in connection with an automobile bus, or is to be resold by the first purchaser to a second purchaser or by a second purchaser to an ultimate purchaser for such use.

(b) *Registration requirements for bus parts and accessories; vendees purchasing tax free.* The provisions of section 4221(e)(6) do not apply with respect to any sale unless the manufacturer, the first purchaser, and the second purchaser and the ultimate purchaser, if any, are all registered as required under section 4222, and unless they comply with all the requirements under that section relating to tax-free sales. See § 48.4222(a)–1. Persons not

required to be registered under section 4222(b) may purchase articles tax free by following the same procedures that apply to them in the case of other tax-free sales. See § 48.4222(b)–1. A person's registration and right to sell or purchase articles tax free may be revoked or suspended as provided in § 48.4222(c)–1. Such a revocation or suspension shall be in addition to any other penalties that may apply.

(c) *Cross reference.* For credit or refund, see section 6416(b)(2).

(d) *Information; records*—(1) *Information to be furnished to vendee.* A vendor (including the manufacturer) selling parts and accessories tax free under section 4221(e)(6), shall indicate to its vendee, that the vendee is obtaining the parts or accessories tax free for the purpose of use on or in connection with an automobile bus, or for resale by the vendee for such use. This information may be transmitted by any convenient means, such as coding of sales invoices, provided that the information is presented with sufficient particularity so that the purchaser is informed that the purchaser has obtained the parts or accessories tax free.

(2) *Records of vendor.* A vendor (including the manufacturer) selling parts or accessories tax free under section 4221(e)(6) shall maintain in its records the identity of the purchaser, a signed statement of the exempt purpose for purchasing the parts or accessories, and the quantity of parts or accessories sold tax free to each purchaser.

(3) *Records of vendee.* A person purchasing parts or accessories tax free under section 4221(e)(6) must maintain sufficient records to establish that the parts or accessories purchased tax free have actually been used on or in connection with an automobile bus or have been resold for such a use.

(e) *Duty of selling manufacturer to ascertain validity of tax-free sale.* The selling manufacturer of parts and accessories is not relieved of liability under the provisions of section 4221(e)(6) by reason of section 4221(c) for the tax imposed by section 4061(b) if at the time of sale the selling manufacturer has knowledge or reason to believe that the parts and accessories sold by it to the purchaser are not intended for use on or in connection with an automobile bus or have been resold for such use, or that the purchaser has failed to register, or that its registration has been revoked or suspended.

(f) *Effective date.* Section 4221(e)(6) (relating to bus parts and accessories) applies to sales on or after December 1, 1978. Parts or accessories sold for use on a bus prior to that date are not exempt from tax under section 4221(e)(6).

Par. 5. Section 48.4222(d)–1 is amended as follows:

1. Paragraph (a) is deleted.

2. Paragraphs (b) and (c) are redesignated as paragraphs (a) and (b) respectively.

3. New paragraphs (c) and (d) are added to read as set forth below.

4. Paragraph (d) is redesignated as paragraph (e).

5. Paragraph (e) is redesignated as paragraph (f) and revised to read as set forth below.

6. Paragraph (f) is redesignated as paragraph (g).

§ 48.4222(d)–1 Registration in the case of certain other exemptions.

The registration procedure set forth in § 48.4222(a)–1 also applies in the following cases:

* * * * *

(a) (Reserved)

* * * * *

(c) Tax-free sales under section 4063(e) of parts or accessories sold for resale on or in connection with the first retail sale of a light-duty truck. Both the vendor and vendee must be registered (or the vendee must execute an acceptable exemption certificate as set forth on § 48.4063–2(b)(3)(iii)]. See section 4063(e) and the regulation thereunder.

(d) Tax-free sales under section 4064(b)(1)(C) of emergency vehicles. Both the vendor and vendee must be registered. See section 4064 and the regulations thereunder.

* * * * *

(f) Tax-free sales under section 4093 of lubricating oil or rerefined oil by a manufacturer or producer of lubricating oil or rerefined oil for resale, or for use in producing rerefined oil. Both the vendor and the vendee must be registered. See section 4093 and the regulations thereunder.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: September 8, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82–26516 Filed 9–24–82; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Permanent State Regulatory Program of North Dakota

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: The Secretary of the Interior is modifying the deadline for North Dakota to meet one of the conditions of approval of the State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1201 *et seq.* The Secretary is extending the deadline for the State to resolve condition "e" as specified in the Secretary's notice of conditional approval of North Dakota's program (45 FR 82241–82248, December 15, 1980) until July 1, 1983.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: On July 23, 1982, the Secretary published a proposed rule to extent the deadline for North Dakota to meet one of the conditions of approval on its approved permanent regulatory program under the Act (47 FR 31896–97). Public comments were invited for 30 days ending August 23, 1982.

Parts 730–732 of OSM's regulations establish the procedures for the submission, review, and decision on the State permanent regulatory programs whereby the State assumes primary jurisdiction to regulate surface coal mining under the Act. Under § 732.13(i), the Secretary may conditionally approve a State program which contains minor deficiencies if the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The schedule is established in consultation with the State, based on its administrative needs and the time required for changes to be adopted under State rulemaking or legislative procedures.

The North Dakota program was conditionally approved on December 15, 1980 (45 FR 82241–82248). The Secretary's approval was conditioned

on the State's correction of 13 minor deficiencies by July 1, 1981.

That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070–54071). In a letter to the Director dated June 14, 1982, the North Dakota Public Service Commission requested a further extension of that deadline to July 1, 1983, to meet condition "e" as listed at 30 CFR 934.11(e).

Condition "e" stipulates that the Secretary's approval of the North Dakota program will terminate on January 1, 1983, unless North Dakota submits to the Secretary by that date copies of fully enacted regulations amending the North Dakota Administrative Code 69–05.2–10–03(i) to prohibit issuance of permits to any person with an outstanding violations or a pattern of violation outside of North Dakota in a same or similar manner as Section 510(c) of SMCRA, 30 CFR 786.17 and 30 CFR 786.19(i) or otherwise amends its program to accomplish the same results.

In a notice published July 23, 1982, the Director invited comment on extending the deadline for the State to meet condition "e" until July 1, 1983 (47 FR 31896–97). Comment was invited for 30 days ending August 23, 1982.

Secretary's Findings

The Secretary has decided to grant the State's request for an extension to meet condition "e" until July 1, 1983. In order to satisfy that condition, North Dakota will be required to make a change in the North Dakota Century Code Chapter 38–14.1. The Commission indicated that it would draft the required change for consideration by the Legislative Assembly when it convenes in January 1983. Since statutory changes normally become effective on the first of July following legislative action, the extension to July 1, 1983, will allow time for the statutory change to take effect.

Public comment:

The public comment period on the proposed extension ended August 23, 1982. No comments were received.

Other information:

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for all actions to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB is not needed for this extension.

This rule is deemed not to be a major Federal action within the meaning of section 102(2)(c) of NEPA under sections 501(a) or 702(d) of SMCRA. It is hereby designated as a categorical exclusion from the NEPA process. Therefore, this rule is exempt from the requirements of an Environmental Assessment, EIA or FONSI.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96–334, I have certified that this rule will not have a significant economic effect on a substantial number of small entities as the rule is essentially a timing change with no direct or indirect impact on small entities.

Indexing Requirements:

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 934 of Title 30 is amended as set forth herein.

Dated: September 20, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 934—NORTH DAKOTA

30 CFR Part 934 is amended by revising § 934.11(e) to read as follows:

§ 934.11 Conditions of State regulatory program approval.

* * * * *

(e) The approval found in § 934.10 of this part will terminate on July 1, 1983, unless North Dakota submits to the Secretary by that date copies of fully enacted regulations amending NDAC 69–05.2–10–03(i) to prohibit issuance of permits to any person with an outstanding violation or pattern of violations outside of North Dakota in a same or similar manner as Section 510(c) of SMCRA, and 30 CFR 786.19(i) or otherwise amends its program to accomplish the same results.

* * * * *

[FR Doc. 82–26505 Filed 9–24–82; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 944

Approval of Amendments to the Utah Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule: Approval of amendments.

SUMMARY: On January 21, 1981, the Secretary conditionally approved the Utah permanent program under the Surface Mining Control and Reclamation Act (SMCRA or the Act) (46 FR 5899–5915). On July 26, 1982, (47 FR 32173–4) OSM announced receipt of proposed amendments to the approved Utah program submitted by the State for the Director's approval. This notice announces the Director's approval of those modifications which amend the State's civil penalty regulations at UMC/SMC 845 and which provide for the use of the "range site" method for measuring revegetation success.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur Abbs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone (202) 343–5361.

SUPPLEMENTARY INFORMATION:

Background on the Utah Program Submission

SUPPLEMENTARY INFORMATION: On March 3, 1980, the State of Utah submitted to the Department of the Interior its proposed permanent regulatory program under SMCRA.

On October 3, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program. Notice of that decision and the Secretary's findings were published in the **Federal Register** on October 24, 1980 (45 FR 70481–70510). The State of Utah resubmitted its program for approval by the Secretary on December 23, 1980. After providing an opportunity for public comment on the program and completing a thorough review of the resubmission, the Secretary of the Interior determined that the Utah program, including the resubmission, did, with minor exceptions, meet the requirements of SMCRA and the Federal permanent program regulations. Accordingly, the Secretary of the Interior conditionally approved the Utah program subject to the correction of twelve minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the January 21, 1981 **Federal Register** (46 FR 5899–5915).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981 **Federal Register** (46 FR 5899–5915).

Background on Conditions of Approval

In accepting the Secretary's conditional approval, Utah agreed to satisfy conditions "a"–"e" by December 1, 1981, and conditions "f"–"l" by July 1, 1981.

Subsequently, Utah requested an extension of the deadline to meet conditions "f," "g," and "h" until January 1, 1982. On October 30, 1981 (46 FR 54070), OSM announced the Secretary's decision to approve the extension.

Upon the State's request the deadline for the State to meet condition "f" was further extended to September 1, 1982, and the deadline for the State to meet condition "h" to January 1, 1983, (47 FR 23155–23156, May 27, 1982).

On June 29, 1981, Utah submitted statutory and regulatory revisions intended to satisfy conditions "a"–"e" and "i"–"l."

On June 22, 1982, (47 FR 26827–26831) the Assistant Secretary for Energy and Minerals announced his decision to remove conditions "a"–"e," "j," and "l" and to grant an extension of the deadline for Utah to satisfy conditions "g," "i," and "k." In the June 22, 1982 notice, the Assistant Secretary also announced his decision to impose a new condition "m" requiring the State to correct by January 1, 1983, a deficiency in the State program which had recently come to OSM's attention.

Submission of Amendments

On July 26, 1982, the Director invited comment on the following amendments submitted by the State which do not relate to any of the conditions (47 FR 32173) and scheduled a public comment period and hearing on the proposed modifications.

1. *Modification of civil penalty regulations.* On April 30 and May 1, 1981, Utah adopted modifications to its civil penalty rules at UMC/SMC 845. These revised rules, together with additional changes to UMC/SMC 845 proposed by the Division of Oil Gas and Mining (DOGM) on June 23, 1982, were submitted to OSM for approval as program amendments. On August 26, 1982, Utah adopted the revisions submitted to OSM on June 23, 1982, in the same form as proposed and on which comment was invited, with the exception of item II of the proposed revisions.

2. *Alternative Standard for Measuring Revegetation Success.* Utah also submitted for the Director's approval a proposal to utilize the "range site method" as an alternative to the "reference area" method of measuring revegetation success set forth under 30 CFR 816.116 and 30 CFR 817.116. Utah's proposal to utilize the range site method as an alternative was submitted to OSM on May 21, 1981. Additional supporting documentation was submitted to OSM by DOGM on October 20, 1981, and February 5, 1982.

Secretary's Findings

1. The Director finds Utah's civil penalty regulations at UMC/SMC 845 as modified April 30 and May 1, 1981 and as further modified August 26, 1982, incorporate penalties no less stringent than those set forth in Section 518 of SMCRA and 30 CFR Part 845 and contain the same or similar procedural requirements related thereto. Therefore, the Director grants his approval of those amendments. It should be noted that the regulatory modifications adopted by Utah on August 26, 1982, are, with one exception, identical to the changes proposed by the State June 23, 1982, and on which OSM invited comment in the **Federal Register**, July 26, 1982, 47 FR 32173.

The one exception is Item II of the June 23, 1982, proposed changes which the Board did not adopt in final form on August 26, 1982. Item II of the proposed changes created a new paragraph (b) at UMC/SMC 845.14 to provide that "When the total number of points for any violation contained in a notice of violation does not exceed fifty, the assessment of a civil penalty shall be discretionary with the Board or its authorized assessment officer." Because the Board did not adopt Item II of the proposed modifications, the Director's approval of these amendments does not extend to that provision. Should Utah adopt that provision at some future date and submit it in final form for approval, the director would reconsider that provision under separate rulemaking.

2. The Director further finds that Utah's adoption of the "range site" method for measuring revegetation success is no less effective than the "reference area" method set forth under 30 CFR 816.116 and 30 CFR 817.116. Both the Federal rules at 30 CFR 816.116 and 817.116 and Utah's rules at UMC 817.116(a) and SMC 816.116(a) provide that success of revegetation shall be measured by techniques approved by the regulatory authority after consultation with appropriate State and Federal agencies. Evaluation of ground cover and productivity may be made on the basis of reference areas or through the use of technical guidance procedures published by U.S. Department of Agriculture (USDA) or U.S. Department of Interior (USDI) for assessing ground cover and productivity. Utah's proposal to utilize the range site method was submitted to OSM on May 21, 1981. Additional supporting documentation was submitted on October 20, 1981, and February 5, 1982, including revised guidelines for obtaining vegetation information and the Soil Conservation Service (SCS) National Range Handbook, 1975, which Utah will rely on as the technical guide for determining revegetation success. After reviewing the State's proposal and supporting technical documentation, the Director has determined that the State program does provide for the use of techniques of measuring revegetation success which are no less effective than those prescribed by the Federal regulations.

Public Comment

OSM received six comments in response to the July 26, 1982, **Federal Register** notice announcing the hearing and comment period on the amendments and proposal submitted by Utah.

The Environmental Protection Agency, Region VIII, favored Utah's adoption of the "range site method" for measuring revegetation success. The commenter suggested that "fair condition" range sites, that are determined acceptable for sampling, should be on an improving trend. It was also recommended that "good condition" range sites be used, when available, for sampling, since the reclamation goal should be to arrive at "good condition" in each range site. OSM believes that Utah's vegetation guideline number 8C clearly states that the range sampled is to be representative of the vegetation that existed before mining operations disturbed the area. OSM believes the commenter's concerns are addressed in the State's vegetation guidelines.

EPA also suggested that post-grading soil horizon characteristics should be assessed and the appropriate adjustments made in revegetation specification and success criteria. OSM recognizes that while this approach could result in success standard (baseline data) adjustments that reflect improved site capabilities, it could also result in success standard adjustments that reflect a capability that is less than the premining capability. The reestablished vegetation is one indicator of the operator's ability to restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining; hence, OSM believes that range site data, as specified in the guidelines, will assure reestablishment of vegetation that is at least equal in extent of cover and as effective as the natural vegetation of the area. Also, a success

standard based on premining site conditions does not preclude the establishment of a plant community or range site condition that is superior to the premining range site condition. OSM finds Utah's guidelines in accordance with the Act and no less effective than OSM's regulations which require a vegetative cover at least equal to the vegetative cover that existed before mining.

The Soil Conservation Service (SCS), Salt Lake City, Utah, supported the use of the range site method to measure revegetation efforts and offered to make available all the data that has been collected and provide direct or consultative assistance needed to establish standards where data is not already available.

The SCS also stated that sampling, required in number 8C of the guidelines, will only be needed when the area is not represented by a currently existing range site because vegetative condition and species composition can be described from the site description on existing range sites. Since range site condition is dynamic, OSM supports the use of a current premining inventory when developing a success standard for a specific range site.

In addition, SCS contended that 8d of the range site guidelines was not a valid procedure because generally there are no long-term precipitation data sites at mine locations; hence, there is no way to predetermine if the precipitation is below average in a sampling year. It was suggested that exact precipitation measurements are probably meaningless since tempreature, soil, exposure, elevation and other variables have compensating mechanisms and the vegetation is a result of long-term adaptation.

OSM agrees that range site vegetation is a result of long-term adaptation and the exact precipitation averages may not be available for all mine sites. However, OSM believes that annual cover and productivity are related to annual precipitation and therefore, OSM approves of the State's use of the precipitation criteria.

The Soil Conservation Service, Forest Service, Ogden, Utah, commented that it was supportive of Utah's adoption of the "range site method". SCS suggested that the definitions of terms used with the range site method conform to those provided in "A Glossary of Terms Used in Range Management" published by the Society of Range Management. OSM will pass this suggestion to the State for its consideration.

The SCS also stated that the term "range condition" is usually arbitrary and is often biased by the intended output of the range while "ecological rating" was considered by the commenter to probably be a better term. The National Range Handbook is to be used by Utah when determining range site and condition class. Utah defines range site as an ecological entity based on climax plant community. Also, in accordance with the National Range Handbook, range condition class is used to express the degree to which the composition of the present plant community reflects that of the climax community. Hence, OSM finds the use of the term "range condition" acceptable.

Another comment made by SCS was that frequency or density measurements are more reliable and less controversial than production measurements or estimates of cover. Utah will use the vegetative parameters of cover, density, productivity, and species composition. OSM believes Utah has developed guidelines to assure that the parameters will be utilized to provide adequate measurements and OSM approves of the use of these parameters when establishing a standard for determining successful revegetation.

OSM also received comments from the Bureau of Mines (BOM), Denver, Colorado, the Minerals Management Service (MMS), Central Region, and the National Park Service (NPS), Rocky Mountain Region. The BOM was supportive of the State ultilizing the "range site method", asserting that adoption of this method would be beneficial to the mine operators as well as the regulatory authority. The MMS and the NPS both indicated they had no objection to the approval of the amendments submitted by Utah.

Approval of Amendments

Accordingly, 30 CFR Part 944 is amended to indicate approval of the program amendments adopted by Utah April 30 and May 1, 1981, as revised August 26, 1982, and of the proposal to utilize the range site method of measuring revegetation success submitted to OSM May 21, 1981, together with supplements submitted October 20, 1981, and February 5, 1982.

Additional Findings

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions, or amendments. Therefore, with regard to these program amendments OSM is exempt from the requirements for a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 129(d), this rule is not a major Federal action. It is hereby designated as a categorical exclusion from the NEPA process. Therefore, for this rule OSM is exempt from the requirements of an Environmental Assessment, EIS or FONSI.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

On August 23, 1982, the Environmental Protection Agency transmitted its written concurrence on the Utah program amendments.

List of Subjects in 30 CFR Part 944

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: September 21, 1982.

William B. Schmidt,

Acting Director.

PART 944—UTAH

Accordingly, Part 944 of Title 30 is amended as set forth herein.

1. 30 CFR 944.10, Paragraph (a) is revised to read as follows:

§ 944.10 State Regulatory program approval.

(a) The Utah State program as submitted on March 3, 1980, and as amended and clarified on June 16 and July 24, 1980, and resubmitted on December 23, 1980, was conditionally approved effective January 21, 1981.

* * * * *

2. 30 CFR Part 944 is amended by adding a new § 944.15 to read as follows:

§ 944.15 Approval of Amendments to State Regulatory Program.

(a) The following amendments were approved effective June 22, 1982:

(1) Utah House Bill 66 which amends Section 40–10–10, 40–10–11, 40–10–16, 40–10–17, 40–10–18, 40–10–21, 40–10–22, and 40–10–24, Utah Code Annotated 1953.

(2) Utah revised regulations UMC 817.124(b) and UMC 784.20(b)(3)(v) adopted April 30 and May 1, 1981.

(b) The following amendments are approved effective (date of publication).

(1) Regulatory modifications to UMC/SMC 845 adopted April 30 and May 1, 1981, as revised August 26, 1982.

(2) Modification of guidelines to allow use of the range site method of

measuring revegetation success pursuant to SMC 816.116 and UMC 817.116 submitted to OSM May 21, 1981, together with supplements submitted October 20, 1981 and February 5, 1982.

[FR Doc. 82-26499 Filed 9-24-82; 8:45 am]
BILLING CODE 4310-05-M

30 CFR Part 950

Removal of Condition of Approval of the Wyoming Permanent Regulatory Program and Extension of the Deadline for Wyoming To Satisfy a Condition of Approval

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: The Secretary is removing a condition of approval of the Wyoming Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), and extending the deadline for the State to meet another condition of approval.

The State submitted amendments May 26, 1982, which satisfy condition "b" but do not fully satisfy condition "c" as specified in the Secretary's notice of conditional approval of the Wyoming program published in the **Federal Register**, November 26, 1980 (45 FR 78638–78884). In addition, the State has submitted a petition to OSM which may have a bearing on the State's satisfaction of a part of condition "c". Therefore, the Secretary is removing condition "b" and extending the deadline for the State to meet condition "c". This extension will allow OSM time to act on the State's petition and allow Wyoming time to submit additional program modifications that will fully satisfy condition "c".

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Bill Thomas, Director, Wyoming Field Office, Freden Building, P.O. Box 1420, Mills, Wyoming 82644, Telephone: (307) 328–5830.

SUPPLEMENTARY INFORMATION: On August 15, 1979, OSM received a proposed regulatory program from the State of Wyoming. On February 15, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program. Notice of that decision and the Secretary's findings were published in the **Federal Register** on March 31, 1980 (45 FR 20930–20982). The State of Wyoming resubmitted its proposed regulatory program and after a subsequent review, the Secretary approved the program subject to the correction of seven minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the November 26, 1980 **Federal Register** (45 FR 78638–78884).

In accepting the Secretary's conditional approval, Wyoming agreed to correct the seven deficiencies by March 26, 1981. On October 30, 1981, the Secretary extended the date by which Wyoming is required to satisfy conditions "b" and "c" to May 26, 1982 (46 FR 54070–54071).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Wyoming program can be found in the November 26, 1980 **Federal Register** (45 FR 78638–78884).

On March 26, 1981, OSM received from the State of Wyoming revisions to the State regulations intended to satisfy conditions "a", "d", "e", and "f". On March 23, 1981, OSM received from the State of Wyoming an Attorney General's Opinion intended to satisfy condition "g". Following a review of these provisions in accordance with the procedures set forth at 30 CFR 732, the Secretary announced his decision to remove conditions "a", "d", "e", and "f" (47 FR 7218–7220, February 18, 1982). With regard to condition "g" the Secretary found the amendment submitted by the state did not fully satisfy the condition. Hence, the Secretary granted Wyoming an extension to May 20, 1983, to submit additional materials to meet condition "g" (47 FR 7218–7220).

In a notice published May 26, 1982 (47 FR 22975–22976), the Secretary invited comment on the State's request for a second extension that would establish a new deadline for the State to meet condition "c".

The State offered as one reason for requesting a further extension the fact that OSM has not yet finalized amendments to the permanent program rules. Some of these amendments may directly affect Wyoming's satisfaction of this condition. Further, Wyoming referred to the petition submitted by several western States, including Wyoming, to repeal a portion of 30 CFR 840.15 concerning the requirement that each State program provide for public participation consistent with 43 CFR Part 4. Specifically, the petition seeks repeal of 43 CFR 4.1294(b) which relates to the award of costs and expenses against the State as a requirement of State programs (46 FR 54761 and 46 FR 58465–58466).

On May 26, 1982, Wyoming submitted emergency rules pertaining to the definition of "toxic materials" and procedures relating to intervention and the award of costs and expenses in administrative proceedings. These rules were submitted by the State to address condition "b" and the part of condition "c" not affected by the State's petition to OSM discussed above. OSM published notice of opportunity for public comment on these program revisions on July 23, 1982 (46 FR 31898–31899). This notice provides the Secretary's final determinations on the State's request for an extension to satisfy condition "c" and on the amendments submitted by Wyoming May 26, 1982.

Secretary's Findings

1. The Secretary finds that the May 26, 1982 amendment of the rules of the Wyoming Department of Environmental Quality, Land Quality Division, which revises Chapter I, Section 2(99) by substituting "detrimental" for "lethal" makes the State's definition of "toxic materials" consistent with the Federal provision. Accordingly, the Secretary finds that Wyoming has satisfied condition "b" as specified in the Secretary's November 26, 1980, conditional approval of the Wyoming program.

2. The Secretary finds that the May 26, 1982, amendment which revises Chapter II, Section 7 of the Wyoming Rules of Practice and Procedure and creates a new Chapter V does not fully satisfy condition "c". Condition "c" specifies that Wyoming must establish requirements which are consistent with the Federal regulations at 43 CFR Part 4. The State's rules, as amended, do not include provisions comparable to 43 CFR 4.1294, paragraphs (b) and (c). Hence, a person or a permittee could not receive an award from the State for costs and expenses including attorneys' fees reasonably occurred as a result of that person's participation in any administrative proceeding under the Act. As noted above under "Supplementary Information" Wyoming, together with several other western States, submitted a petition to OSM to repeal 43 CFR 4.1294(b) as a requirement of State programs. OSM has not yet acted on this petition. The Secretary also has determined that the amendments submitted by Wyoming are inconsistent with the Federal requirements in the following respect. Under chapter V, Section 2, "Who May Receive an Award", Wyoming's rules

specify that appropriate costs and expenses including attorneys' fees may be awarded to the permittee from any person but only if the Council finds that "the person knew or *should have known* that no violation or imminent hazard occurred or existed to support the enforcement action". The stipulation that the person may be assessed costs and expenses if he/she "should have known" that no violation or imminent hazard occurred places a greater burden on a person than the Federal requirements. 43 CFR 4.1294(d) specifies that a person may be assessed costs and expenses only if it is demonstrated that the person acted in bad faith for the purpose of harassing or embarrassing the permittee. Under Wyoming's rule a person acting in good faith who initiated an administrative proceeding to review an enforcement action could be assessed costs and expenses upon a finding that no violation or imminent hazard had occurred. The Secretary finds that to be consistent with the Federal requirements, Wyoming's program must provide that a person may be assessed reasonable costs or expenses only if he/she initiated a proceeding in bad faith.

Because the material submitted by Wyoming does not fully satisfy condition "c" and because OSM has not yet acted on the petition discussed above which may have a bearing on the State's satisfaction of this condition, the Secretary has decided to extend the deadline for Wyoming to meet condition "c" until May 20, 1983. This extension will allow OSM time to act on the petition and allow Wyoming time to submit additional modifications to correct the deficiencies outlined above.

Public Comment

The public comment period on the State's request for an extension to meet condition "c" ended June 25, 1982, and the comment period on the amendments submitted by the State on May 26, 1982, ended August 13, 1982. No comments were received.

A public hearing scheduled for August 11, 1982, on the proposed program modifications was cancelled as no one expressed an interest in presenting testimony.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule will not have a signficant economic impact on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* On August 28, 1981, the Office of Management and Budget (OMB) granted the Office of Surface Mining exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB are not needed for this condition removal and extension.

4. *Concurrence of the Environmental Protection Agency.* On August 23, 1982, the Environmental Protection Agency transmitted its written concurrence on the Secretary's approval of the amendatory provisions addressed in this notice.

List of Subjects in 30 CFR Part 950

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: September 20, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 950—WYOMING

Accordingly, Part 950 of Title 30 is amended as set forth herein.

1. 30 CFR 950.10 is amended by revising it to read as follows:

§ 950.10 State program approval.

The Wyoming permanent program, as submitted on August 15, 1970, as amended October 23, 1979, May 30, 1980, and August 5, 1980, was approved effective November 26, 1980. The amendments to the program submitted March 26, 1981 and April 8, 1981, were approved effective February 18, 1982. The amendment to the program submitted May 26, 1982, pertaining to the definition of "toxic materials" is approved effective September 27, 1982. Copies of the approved program, as amended, are available at:

Wyoming Department of Environmental Quality, Land Quality Division, Hathaway Building, Cheyenne, Wyoming 82002.
Office of Surface Mining, Room 5315, 1100 "L" Street, N.W., Washington, D.C. 20240, Telephone: (202) 345–7896.

2. 30 CFR 950.11 is amended by removing the material and reserving paragraph (b), and revising paragraph (c) to read as follows:

§ 950.11 Terms and conditions of State program approval.

* * * * *

(b) [Reserved]

(c) On or before May 20, 1983, Wyoming must establish requirements which are consistent with the Federal attorneys' fees and intervention regulation in 43 CFR Part 4.

* * * * *

[FR Doc. 82–26506 Filed 9–24–82; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD3–80–3A]

Anchorage Grounds, Delaware Bay and River

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is delegating the authority over operation of the Delaware Bay and River Anchorages from Commander, Third Coast Guard District to the Captain of the Port, Philadelphia; eliminating provisions redundant with authority provided in 33 CFR Part 160; redesignating Anchorage 2 as a general anchorage and permitting the handling of explosives in all general anchorages except Anchorage 2 by permit from the Captain of the Port; and eliminating the requirement for vessels handling explosives and other dangerous cargo to display a red light at night. The present requirements are cumbersome and inefficient and place unnecessary burdens on the users of the anchorages. This change will provide for more efficient management of the vessels in the anchorages without reducing the level of safety.

DATES: Interim rule effective October 27, 1982, comments must be received on or before November 12, 1982.

ADDRESSES: Comments may be mailed to Captain Daniel B. Charter Jr., Captain of the Port, Philadelphia, U.S. Coast Guard Base, Gloucester City, New Jersey, 08030.

FOR FURTHER INFORMATION CONTACT: Captain Daniel B. Charter Jr., Captain of the Port, Philadelphia, U.S. Coast Guard Base, Gloucester City, New Jersey 08030 (Tel: 609–456–1370 or 215–923–4320) between 7:00 AM and 4:30 PM Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: On June 23, 1980, the Coast Guard published a notice of proposed rulemaking, Docket CGD3–80–3A (45 FR 41981). Interested persons were requested to submit comments and two comments were received. No public hearing was held.

Drafting Information: The principal person involved in drafting this rule is Captain Daniel B. Charter Jr., Project Officer, Captain of the Port, Philadelphia.

Discussion of Comments: One of the two comments was from a port affairs spokesman for twenty-one Delaware Valley civic and trade associations. These twenty-one associations represent the vast majority of the public that will be affected by the rule change and their views were considered based on this representation.

Both of the comments agreed with the proposal to transfer authority over the operations of the Delaware River and Bay anchorages from Commander, Third Coast Guard District to the Captain of the Port, Philadelphia. Both also agreed with elimination of the requirement to display the red light at anchor and considered the change a safety enhancement by eliminating the possibility for confusing the red light with a navigation light. No comments were received on the proposal to eliminate the requirements redundant with authority contained in 33 CFR Part 160.

Both comments objected to the redesignation of Anchorage 1 as an explosive anchorage and Anchorage 2 as a general anchorage. They indicated that Anchorage 2 was not an acceptable general anchorage since it could not accommodate deep draft vessels (the primary users of Anchorage 1). Further, they indicated that Anchorage 1 is crucial to and an integral part of the Delaware River navigation system.

The commenter representing the twenty-one civic and trade associations indicated loading or discharging of explosives is a rare circumstance and that the COTP could make the decision with respect to anchorage assignment at the time of application. He also indicated their belief that the provisions of the Ports and Waterways Safety Act provided the necessary authority for the COTP to follow this practice.

The records at the COTP Office in Philadelphia were reviewed and it was found that there were *no* requests for explosive handling by vessels at anchor in the past three years.

The purpose of the amendment as expressed in the NPRM was to reduce the potential hazards caused by the proximity of a nuclear electric generating plant to the explosive anchorage (Anchorage 2). The Coast Guard agrees with the comment that anchorage assignments can be considered at the time an application for explosive handling is received and therefore Anchorage 1 will remain as a general anchorage and Anchorage 2 will be redesignated as a general anchorage. The handling of explosives will be permitted in all general anchorages except Anchorage 2, on a case-by-case basis with a permit from the Captain of the Port as the situation warrants.

One commenter also objected to the proposal to reduce the size of Anchorage 1. The purpose of the reduction in size was to more accurately reflect the area of usable depth. Since the pilots are well aware of the water depths in the area and these are clearly plotted on the charts, it appears there is no practical benefit in reducing the size of the anchorage. Usage will continue to be limited to areas suitable to the draft of the vessels involved; therefore, the present description of the size of Anchorage 1 is retained at this time. However, it is the intent of the Coast Guard to explore better descriptions of the anchorage boundaries in a future rulemaking action.

There were no comments on the proposal to extend to all the general anchorages of the Delaware River the COTP authorization to grant permits for anchoring for periods in excess of 48 hours now limited to Anchorages 15 and 16. This change clarifies the intent of the permit process.

Finally, the citations for Dangerous Cargo regulations have been amended in paragraph 110.157(c). This editorial change reflects the shift of the Dangerous Cargo regulations excluding military explosives from Title 46 Code of Federal Regulations to Title 49 Code of Federal Regulations. Additionally, the term "other dangerous cargo" is being deleted from the regulations for vessels carrying and handling explosives (regulations for explosives anchorage) since the permit required from the Captain of the Port only pertains to explosives.

Summary of Final Evaluation: This amendment has been evaluated under Executive Order 12291 and the Coast Guard has determined that this is not a major rule. This amendment has also been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations" dated May 22, 1980 and has been determined to be non-significant. This amendment is primarily editorial, updating the regulations to reflect management practices in existence for five years, or merely a redelegation of authority. The impact is considered so minimal that a regulatory evaluation is not required.

Likewise it is hereby certified that this amendment will not have any significant economic impact on a substantial number of small entities, as described in the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 601, et seq.). This certification is made in accordance with Section 605 of Title 5 of the United States Code.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations is amended as follows:

1. In § 110.157, paragraph (a)(3) is revised to read as follows:

§ 110.157 Delaware Bay and River.

(a) * * *

(3) Anchorage 2 northwest of Artificial Island. On the east side of the channel along Reedy Island Range, bounded as follows: Beginning at a point bearing 105° from the northernmost point of Reedy Island, 167 yards easterly of the east edge of the channel along Reedy Island Range; thence 105°, 800 yards; thence 195°, 4,500 yards; thence 285°, 800 yards, to a point (approximately latitude 39°28′58″, longitude 75°33′37″) opposite the intersection of Reedy Island and Baker Ranges; and thence 15°, 4,500 yards, to the point of beginning.

§ 110.157 [Amended]

2. Section 110.157 is amended by removing the words "District Commander" and inserting, in their place, the words "Captain of the Port" in the following places: 33 CFR 110.157(a)(16), (a)(17), (b)(1), (b)(3), (b)(7).

3. In § 110.157, paragraph (b)(2) is revised to read as follows:

§ 110.157 Delaware Bay and River.

* * * * *

(b) * * *

(2) No vessel shall occupy any prescribed anchorage for a longer period than 48 hours without a permit from the Captain of the Port. Vessels expecting to be at anchor for more than 48 hours shall obtain a permit from the Captain of the Port for that purpose. No vessel in such condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and

then only for such period as may be permitted by the Captain of the Port.

§ 110.157 [Amended]

4. By removing and reserving § 110.157(b)(4).

§ 110.157 [Amended]

5. By removing and reserving § 110.157(b)(8).

6. In § 110.157 paragraph (c) is revised to read as follows:

* * * * *

(c) *Regulations for vessels carrying and handling explosives.* (1) All vessels carrying explosives as defined in and subject to, Title 46 Code of Federal Regulations, Part 146, or Title 49 Code of Federal Regulations, Parts 171–177, or on which such explosives are to be loaded, shall obtain a permit from the Captain of the Port, except as provided in paragraph (c)(5) of this section. The maximum amount of explosives for which a permit is required in 46 CFR Part 146, and 49 CFR Parts 171–177, which may be carried or loaded at any time by a vessel shall not exceed 800 tons, except in cases of great emergency or by special permit from the Captain of the Port. This written permit shall be obtained from the Captain of the Port before vessels carrying explosives or on which explosives are to be loaded within the weight limit specified in paragraph (c)(1) of this section, may anchor in any anchorage. Permits will not be issued for Anchorage 2 under any circumstances. Such permit may be revoked at any time. All vessels used in connection with loading, or unloading explosives shall carry written permits from the Captain of the Port, and shall show such permit whenever required by him or his representative.

(2) Vessels handling explosives shall be anchored so as to be at least 2,200 feet from any other vessel, but the number of vessels which may anchor in an anchorage at any one time shall be at the discretion of the Captain of the Port. This provision is not intended to prohibit barges or lighters from tying up alongside the vessels for the transfer of cargo.

(3) Whenever a vessel or barge not mechanically self-propelled anchors while carrying explosives or while awaiting the loading of explosives, the Captain of the Port may require the attendance of a tug upon such vessel or barge when in his judgment such action is necessary.

(4) Fishing and navigation are prohibited within an anchorage whenever occupied by an anchored vessel displaying a red flag.

(5) The District Engineer, U.S. Army Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under Department of the Army permit, to anchor in or near the vicinity of such work. The Captain of the Port will prescribe the conditions under which explosives shall be stored and handled in such cases.

(6) Vessels carrying explosives or on which explosives are to be loaded, within the weight limit specified in subparagraph (c)(1) of this paragraph, shall comply with the general regulations in paragraph (b) of this section when applicable.

(7) Nothing in this section shall be construed as relieving any vessel or the owner or person-in-charge of any vessel, and all others concerned, of the duties and responsibilities imposed upon them to comply with the regulations governing the handling, loading or discharging of explosives entitled "Subchapter C—Hazardous Materials Regulations" (49 CFR Parts 171 to 177) or "Subchapter N—Dangerous Cargoes" (46 CFR Part 146).

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); Sec. 6(g)(1), Pub. L. 89–670, 80 Stat. 940 (49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1); 33 CFR 1.05–1(g)(2); 33 CFR Part 160))

Dated: August 30, 1982.

W. E. Caldwell,

Commander, Third Coast Guard District.

[FR Doc. 82–26502 Filed 9–24–82; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Parts 310 and 320

Enforcement and Suspension of the Private Express Statutes

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The sole purpose of this final rule is to revise the Postal Service regulations which implement the Private Express Statutes (statutory restrictions on private carriage of letters) by removing from the regulations every reference to 18 U.S.C. 1724 as one of the Private Express Statutes. Section 1724 of title 18, United States Code, has had no relation to the restrictions on the private carriage of letters since it was amended in 1951.

EFFECTIVE DATE: October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Charles D. Hawley, (202) 245–4584.

SUPPLEMENTARY INFORMATION: Prior to its repeal in 1951, the first paragraph of section 1724 of title 18, United States Code, established penalties for failure to pay postage on, or for unlawful conveyance of, mail carried to or from any part of the United States by any foreign vessel. The Act of Sept. 25, 1951, ch. 413, 65 Stat. 336, repealed this law as obsolete and unnecessary because of the international postal conventions establishing postal rates and the requirement by all countries that postage be prepaid. As currently in effect, section 1724 contains no language relevant to the restrictions on the private carriage of letters. It is, therefore, no longer appropriate to refer to it as a Private Express Statute.

Although 39 U.S.C. 410(a) exempts the Postal Service from the notice and comment requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), it is Postal Service policy to adhere to the rulemaking provisions when changes in the Private Express regulations are made. 39 CFR 310.7. Since, however, this rule makes no substantive change in the regulations, notice and an opportunity for the submission of comments in this case are deemed unnecessary. Accordingly, the Postal Service hereby adopts the following revisions of title 39, Code of Federal Regulations.

List of Subjects in 39 CFR Parts 310 and 320

Postal Service, Advertising, Computer technology.

PART 310—ENFORCEMENT OF THE PRIVATE EXPRESS STATUTES

1. The statement of statutory authorities immediately following the table of contents at the head of this Part is revised to read as follows:

Authority: 39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699.

2. In § 310.1, paragraph (f) is revised to read as follows:

§ 310.1 Definitions.

* * * * *

(f) The "Private Express Statutes" are set forth in 18 U.S.C. 1693–1699 and 39 U.S.C. 601–606 (1970).

PART 320—SUSPENSION OF THE PRIVATE EXPRESS STATUTES

§ 320.2 [Amended]

3. In § 320.2, the parenthetical immediately following paragraph (c) is revised to read as follows:

(39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699).

§ 320.3 [Amended]

4. In § 320.3, the final parenthetical following paragraph (d) is revised to read as follows:

(39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699).

§ 320.4 [Amended]

5. In § 320.4, the parenthetical at the end of this section is revised to read as follows:

(39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699).

§ 320.5 [Amended]

6. In § 320.5, the parenthetical at the end of this section is revised to read as follows:

(39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699).

§ 320.6 [Amended]

7. In § 320.6, the parenthetical immediately following paragraph (f) is revised to read as follows:

(39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699).

§ 320.9 [Amended]

8. In § 320.9, the parenthetical at the end of this section is revised to read as follows:

(39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699).

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82–26503 Filed 9–24–82; 8:45 am]

BILLING CODE 7710–12–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Amdt. E–252]

Storage and Distribution; Policy on GSA Self-Service Stores

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides policy on GSA self-service stores. The regulation is necessary to clarify the purpose and functions of self-service stores and to provide restrictions on the use of these stores. The regulation will provide for more effective control of purchases in these stores.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: General questions: Mr. Robert A. Renner, Director, Regulations Division (703–557–7990).

Specific technical questions: Mr. James A. Marsden, Acting Director, Distribution Management Division (703–557–7580).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101–28

Government property management, Warehouses.

PART 101–28—STORAGE AND DISTRIBUTION

1. The table of contents for Part 101–28 is amended by revising Subpart 101–28.3.

Subpart 101–28.3—Self-Service Stores

Subpart 101–28.3—Self-Service Stores

2. Section 101–28.300 is revised to read as follows:

§ 101–28.300 Scope of subpart.

This subpart provides policy for the GSA self-service store program, including a definition of the program and policy on item stockage, services provided, and Federal agency participation in the program.

3. Section 101–28.301 is revised to read as follows:

§ 101–28.301 Applicability.

This subpart is applicable to all activities that are eligible to use self-service stores. Eligible activities include executive agencies and elements of the legislative and judicial branches of the Government. Agency redistribution points such as stockrooms, stores, and depots are not eligible to obtain items for stock purposes from self-service stores. Self-service stores are for the primary use of executive agencies located within an area which GSA has determined to be the store market area for retail quantities of those items stocked by the store.

4. Section 101–28.302 is revised to read as follows:

§ 101–28.302 Mission of self-service stores.

(a) Self-service stores are centralized retail supply distribution outlets established and operated by the General Services Administration to satisfy small repetitive requirements for common-use expendable items.

(b) The stores are established in areas with a high concentration of Federal agencies and Federal employees to economically, efficiently, and effectively provide commonly used items needed for accomplishment of customer agency missions.

5. Section 101–28.303 is revised to read as follows:

§ 101–28.303 Services provided by self-service stores.

The self-service stores provide the following services:

(a) Self-service shopping;

(b) Opportunity for personal observation and substitution of items before purchase;

(c) Simplified purchase through the use of a shopping plate rather than a requisitioning system;

(d) Automated billing;

(e) Assistance in FEDSTRIP requisitioning; and

(f) Other services (when approved by the GSA Regional Administrator) such as delivery or mail order service for selected items.

6. Section 101–28.304 is revised and §§101–28.304–1 and 101–28.304–2 are added as follows:

§ 101-28.304 Items selection and stockage criteria.

§ 101-28.304-1 Types of items.

Items stocked in self-service stores are based on customer requirements for common-use expendable items. Most stores stock only administrative-type items commonly used in Government offices. However, selected stores stock janitorial supplies, handtools, and other industrial-type items when needed to support official agency requirements. No store will stock furniture or controlled/accountable forms. Also, no store will stock items that are peculiar to a particular agency unless the items are commonly used by more than one shopping plate account within that agency and an exemption from this restriction has been obtained from the responsible GSA Regional Administrator.

§ 101-28.304-2 Determining items to be stocked.

(a) GSA regional offices will canvass customer agencies periodically to identify items for which there is an official need. Items identified as satisfying an official need will be stocked in self-service stores.

(b) Customers may request that specific Federal Supply Schedule items be stocked. The requests must be written and addressed to the responsible GSA Regional Administrator. The request shall be signed by a customer agency official at a level of responsibility acceptable to the responsible GSA Regional Administrator. The requests shall indicate the estimated monthly usage of the item. Requests will be evaluated and agencies notified of the results of the evaluation.

7. Section 101-28.305 is revised to read as follows:

§ 101-28.305 Prices of self-service store items.

Items stocked in self-service stores that are obtained from GSA wholesale supply distribution facilities (depots) will carry the price in effect at the time of shipment from the facilities. (This price is normally the price shown in the GSA supply catalog. However, because catalog prices are subject to change without notice, due to pricing analyses, price reductions, etc., the price charged by self-service stores for a particular item may not be the same as the price shown in the current catalog or latest price supplement.) Items stocked in self-service stores that are not available from GSA wholesale supply distribution facilities but are obtained from other Government supply sources or commercial sources will be priced at the invoice cost.

8. Sections 101-28.305-1 and 101-28.305-2 are removed as follows:

§ 101-28.305-1 [Removed]

§ 101-28.305-2 [Removed]

9. Section 101-28.306 is revised to read as follows:

§ 101-28.306 Access to and use of self-service stores.

(a) Customer access to and use of self-service stores is restricted to shoppers with a valid shopping plate (see § 101-28.308) and completed shopping list/sales slip (see § 101-28.309). The customer also shall possess personal identification for positive identification by the store staff. Customers known by the store staff to be official representatives of using agencies may be permitted entry to self-service stores without prior examination of these documents, but those customers shall have these documents in their possession while in a store for presentation upon request by the store staff. GSA officials, judges, Members of Congress, heads of Federal agencies, and other high ranking officials who have prior approval from the Assistant Regional Administrator for personal property may be permitted entry to self-service stores by presenting some valid means of personal identification. However, no transactions will be consummated without a valid shopping plate and a properly completed Standard Form 3146, GSA Self-Service Store Shopping List/Sales Slip.

(b) More than one person per shopping list may be permitted access to a self-service store when the store staff determines that additional personnel are needed to assist with shopping.

(c) Vendors, suppliers, and others from the private sector are not authorized access to self-service stores unless by written approval of the appropriate GSA Regional Administrator or his or her designee.

10. Section 101-28.308-3 is revised to read as follows:

§ 101-28.308-3 Limitations on use.

(a) Agencies shall establish internal controls to ensure that the use of shopping plates by the agency or other officially authorized activities are limited to the purchase of items for official Government business. The controls shall include written instructions that contain a statement prohibiting the use of shopping plates in acquiring items for other than Government business.

(b) Members of Congress, except for the Delegate of the District of Columbia, should limit the use of their shopping plates to self-service stores located outside of the District of Columbia. The Delegate of the District of Columbia may use a shopping plate to obtain office supplies for the use of his or her district offices from self-service stores located in the District of Columbia. Office supplies needed by Members of Congress for use in the District of Columbia and supplies needed by the Delegate of the District of Columbia for use in his or her office in the House Office Building should be obtained from the Senate and House of Representatives supply rooms, as appropriate.

11. Sections 101-28.309, 101-28.309-1, 101-28.309-2, 101-28.309-3, and 101-28.309-4 are added as follows:

§ 101-28.309 The shopping list.

§ 101-28.309-1 Obtaining Standard Form 3146, GSA Self-Service Store Shopping List/Sales Slip.

Agencies may obtain copies of Standard Form 3146 by ordering through FEDSTRIP/MILSTRIP or by including the required quantities on a Standard Form 3146 signed by an agency approving official for self-service store purchases. The national stock number of the form is 7540-01-127-4195.

§ 101-28.309-2 Use of the shopping list form.

A completed Standard Form 3146 is required for access to and for making purchases in all self-service stores, except as indicated in § 101-28.306. Standard Form 3146 also serves as evidence of receipt of merchandise purchased. Instructions on the reverse of Standard Form 3146 include requirements for the use of stores, completion and distribution of the form, item substitutions and additions, and handling of sensitive items. Standard Form 3146 must be completed and approved in accordance with the instructions before shopping in the stores. Copies of the form will be distributed to the shopper, the designated agency reviewing official, and, for transactions requiring manual billing, the applicable GSA finance center. The shopper may substitute similar items for items which are out of stock. However, the shopper may add items only if the approving official has not included the words "LAST ITEM" and a diagonal line through unused spaces below the last item listed on the form. Sensitive items (see § 101-28.310) may not be added or acquired as substitutes for out of stock items.

§ 101-28.309-3 Approving official.

Designation of the approving official is the responsibility of the agency or activity using self-service stores. The signature of an approving official on Standard Form 3146 provides authorization for access to a self-service store and purchase of items listed. Self-service store personnel are not required to verify the names of approving officials.

§ 101-28.309-4 Agency reviewing official.

An official, other than the approving official, shall be designated by the purchaser's organization to review the purchases authorized by the approving official. The title of the reviewing official and other identifying information, such as the mailing address and the six-digit number in the upper right corner of each shopping plate assigned the reviewing official, should be submitted to the appropriate Assistant Regional Administrator for personal property. Copy 3 of all consummated Standard Forms 3146 will be furnished to the designated agency reviewing official at least once each month. Agency reviewing officials are responsible for examining purchases as recorded on Standard Form 3146 and for discipline concerning the use of self-service stores.

12. Sections 101-28.310, 101-28.310-1, 101-28.310-2, 101-28.310-3 are added to read as follows:

§ 101-28.310 Sensitive items.

§ 101-28.310-1 General.

Every item stocked in self-service stores may be considered sensitive to some degree, based upon standard criteria factors such as propensity for personal use; the potential for embarrassment to GSA and customer agencies; the level of customer complaints; and control as an accountable item of personal property. Self-service store merchandise having these factors to a high degree will be identified as "sensitive items" to help ensure that they are obtained only to satisfy real needs of agencies and are consumed in official use.

§ 101-28.310-2 Identification.

Sensitive items stocked in self-service stores will be identified by each GSA region and posted in the stores to help ensure that agencies are aware that the items are subject to abuse. Sensitive items include such supplies as:

(a) Photographic supplies;
(b) Styrofoam cups;
(c) Aspirin;
(d) Facial tissues;
(e) Deodorizers; and
(f) Leather goods; e.g., portfolios, briefcases, and navigator cases. Each GSA region may identify items to add to the above list based upon the standard criteria factors listed in § 101-28.310-1.

§ 101-28.310-3 Control.

(a) Sensitive items purchased in self-service stores will be identified on Standard Form 3146, GSA Self-Service Store Shopping List/Sales Slip, with a checkmark by store personnel in the Sensitive Item Block on the front of the form. These checkmarks are made to assist customer agencies with internal review and control of sensitive item purchases.

(b) Additional controls of sensitive items may include the display of sensitive items in single units to be made available to customers only upon request to store personnel and the imprinting of copies of sales slips with a highly visible cautionary statement, such as "This sale contains sensitive items."

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: September 7, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-26507 Filed 9-24-82; 8:45 am]

BILLING CODE 6820-24-M

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41 CFR Part 5-10

[APD 2800.2 CHGE 26]

Bonds and Insurance; Revision of Policies and Procedures

Revision of Policies and Procedures

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations, Chapter 5, are amended to revise policies and procedures regarding bonds and insurance. The dollar amount at which contracts are subject to Miller Act bonds is raised from $2,000 to $25,000 in accordance with Pub. L. 95-585, November 2, 1978. Policies and procedures regarding the use of individual sureties are amended to reflect the findings of Comptroller General Decision No. B-203608, June 15, 1982, which stated that matters concerning an individual surety's financial responsibility are matters of responsibility rather than responsiveness. The intended effect of this revision is to improve the procurement system.

EFFECTIVE DATE: October 4, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy, (202-523-4755).

List of Subjects in 41 CFR Part 5-10

Government procurement, Bonds and insurance.

PART 5-10—BONDS AND INSURANCE

1. The table of contents for Subpart 5-10, is revised by adding the following six entries:

Sec.
5-10.103-1 Policy on use.
5-10.103-2 Amount required.
5-10.104-2 Building service contracts.
5-10.105-2 Building service contracts.
5-10.109 Execution and administration of bonds.
5-10.150 Solicitation provisions.

Authority: (Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c))).

2. The contents of Part 5-10, Bonds and Insurance, is revised by removing the following entries:

Sec.
5-10.103-3 Invitation for bids revision.
5-10.150 Bid guarantees and bonds, when unit prices are required.

3. Subpart 5-10-1, Bonds, is revised to read as follows:

Subpart 5-10.1—Bonds

§ 5-10.103 Bid guarantees.

This section authorizes certain actions when determined to be in the best interest of the Government. Each determination shall be supported by an explicit statement of the reasons which constitute the basis for the determination.

§ 5-10.103-1 Policy on use.

(a) *Construction contracts.*—(1) *Bid guarantees.* (i) Bid guarantees shall be required for all construction, alteration and repair contracts, awarded by SBA under Section 8(a) of the Small Business Act, amounting to $25,000 or more when performance and/or payment bonds are required. (See §§ 1-10.104 and 1-10.105.)

(ii) Bid guarantees for all other construction, alteration and repair contracts shall be in accordance with § 1-10.103.

(2) *Waiver of bonding requirements.* Bonding requirements for 8(a) contracts may be waived as provided by the Small Business Act and the regulations of the Small Business Administration (SBA) (13 CFR 124.1-5). However, the use of this authority is tightly circumscribed, and it is the intent of Congress that the waiver authority be used sparingly.

(b) *Building service contracts.* Bid guarantees shall be required for building service contracts in excess of $10,000 when it has been determined that a

performance bond is essential to the best interests of the Government as provided in § 5–10.104–2.

(c) *All other contracts.* Refer to § 1–10.103 for guidance on the use of bid guarantees for all other contracts not covered by (a) and (b) of this section.

§ 5–10.103–2 Amount required.

When a bid guarantee is required, a provision shall be included in the solicitation that clearly sets forth the amount of bid guarantee to be furnished. Solicitation provisions are prescribed in § 5–10.150 for this purpose.

§ 5–10.104 Performance bonds.

§ 5–10.104–1 Construction contracts.

(a) *Performance bonds.* (1) Performance bonds, as required by the Miller Act (40 U.S.C. 270a–270e), shall be provided in connection with all construction contracts (including 8(a) contracts awarded by SBA) which exceed $25,000, in accordance with § 1–10.104–1.

(2) Performance bonds may be required for construction contracts which are less than $25,000 when it is determined in writing at a level above the contracting officer that such a requirement is in the best interest of the Government.

(b) *Clause requirement.* The requirement for furnishing a bid guarantee and performance and payment bonds prescribed in the provision "Bid Guarantee and Bonds" in § 5–10.150(a) shall be set forth in the Special Conditions of the solicitation document.

§ 5–10.104–2 Other than construction contracts—Building service contracts.

(a) Performance bonds shall not be required for other than construction contracts except when it is in the best interests of the Government. (See § 1–10.104–2.)

(b) Performance bonds may be required on a case-by-case basis for building service contracts in excess of $10,000, when it is determined in writing and reviewed at a level above the contracting officer that it is essential to the best interest of the Government. They shall not be used as a substitute for a determination of responsibility.

(c) Performance bonds shall not be required for contracts awarded under Section 8(a) of the Small Business Act, or contracts awarded to workshops for the blind or other severely handicapped under the Wagner-O'Day Act.

(d) The requirement for furnishing a performance bond for building service contracts in excess of $10,000 shall be set forth in the solicitation document as prescribed in § 5–10.150(b)(2).

§ 5–10.105 Payment bonds.

§ 5–10.105–1 Construction contracts.

(a) Payment bonds shall be required, as provided by the Miller Act in connection with any construction contracts (including 8(a) contracts awarded by SBA) exceeding $25,000 in amount, except as provided in § 1–10.105–1. Payment bonds may be required for construction contracts which are less than $25,000 only when it is determined in writing at a level above the contracting officer that such a requirement is in the best interest of the Government.

(b) The payment bond requirement prescribed in § 5–10.150(a) for construction contracts shall be set forth in the Special Conditions of the solicitation document.

§ 5–10.105–2 Other than construction contracts.

Payment bonds shall not be required for building service contracts.

§ 5–10.109 Execution and administration of bonds.

(a) Bid guarantees, other than bid bonds, shall be returned to unsuccessful bidders as soon as an award has been made.

(b) A bid guarantee, other than a bid bond, submitted by a successful bidder, shall be retained until the bidder has executed all contractual documents as may be required and has submitted acceptable payment and performance bonds, if required.

§ 5–10.150 Solicitation provisions.

(a) *Construction contracts.* When bonds are required under §§ 5–10.103, 5–10.104 and 5–10.105, the following provision shall be included in the Special Conditions of the solicitation documents:

Bid Guarantee and Bonds

A bid guarantee is required as provided in Standard Form 20, Invitation for Bids (Construction Contracts).

(a) If the contract price is more than $25,000, the bidder shall furnish a performance bond in a penal amount of 100 percent of the contract price, and payment bond in a penal amount as follows:

(1) Fifty percent of the contract price if the contract price is more than $25,000 but not more than $1,000,000;

(2) Forty percent of the contract price if the contract price is more than $1,000,000, but not more than $5,000,000; if the contract price is over $5,000,000, then forty percent of the contract price or $2,500,000, whichever is less.

(b) If bids on one or more alternate and/or unit price bids were accepted in awarding the contract, the term "contract price" as used above shall mean the aggregate of the lump sum amount plus the product of each unit price accepted multiplied by the applicable number of units specified in the bid form, plus or minus such alternate bids as were accepted.

(c) Performance and payment bonds shall be submitted within the time specified on the reverse side of Standard Form 21, Bid Form, for this contract.

(d) The bidder shall not lose the right to receive any payment due or to become due under the contract unless and until the surety has made payment in settlement of claims by suppliers of labor or material in accordance with the requirements of the surety's undertaking under the payment or performance bond and has notified the Contracting Officer of the claims and amount so paid.

(End of provision)

(b) *Building service contracts.* (1) When it has been determined that a performance bond is required, the bid guarantee statement required by § 1–10.103–3(a)(1) shall, except as otherwise provided in this § 5–10.150, be as follows:

Bid Guarantee

(Applicable to bids in excess of $10,000.) The bid guarantee shall be in the amount of 20 percent of the bid price for the term of the contract or $3,000,000, whichever is less.

(End of Statement)

(i) Whenever one or more unit prices are required for work included in the contract, the bid guarantee requirement set forth in subparagraph (1) of this § 5–10.150(b) shall be modified by adding the following sentence:

For bid guarantee purposes the "amount of the bid" shall be deemed to be the aggregate of each unit price bid multiplied by the applicable number of units shown on the bid form or in the method of award formula.

(ii) In special cases the foregoing shall be modified as necessary to make clear to bidders that the guarantee must cover the maximum amount of the work that might be included in an award.

(iii) The provision in § 1–10.103–3(a)(2) also shall be included.

(2) A provision which requires bidders to furnish performance bonds for building service contracts in excess of $10,000 shall be included in solicitation documents, as follows:

Performance Bond

(a) The offeror to whom the award is made shall furnish a performance bond for the protection of the Government in an amount equal to percent of the contract price for the term of the contract, within 15 calendar days after the prescribed form is presented for signature. The period of time for furnishing the performance bond may be extended for 10 calendar days, if fully justified in the opinion of the contracting officer, and if the request for the extension is received or confirmed in writing within the original 15 calendar day period.

(b) The performance bond shall be a firm commitment, supported by corporate sureties whose names appear on the list contained in Treasury Department Circular 570, individual sureties, or by other acceptable security such as postal money order, certified check, cashiers check, irrevocable letter of credit or, in accordance with Treasury Department regulations, certain bonds or notes of the United States.

(End of Provision)

(3) The percentage amount to be inserted in the blank space in the above clause shall be from 10 percent to 50 percent of the total value of the contract for the term of the contract. The contracting officer shall consider the circumstances and determine the amount of the performance bond on a case-by-case basis.

§ 5-10.151 Acceptability of bonds and sureties.

(a) Upon receipt of a required bond, the contracting officer shall determine whether the bond and the surety are acceptable. (See § 1-10.103-4 regarding failure to submit proper bid guarantee.) If the acceptability of a bond involves a question as to its validity, the contracting officer shall refer the matter to legal counsel. For any question other than validity, the contracting officer shall refer the bond and such questions to the financial management office. The office shall examine the bond and promptly inform the contracting officer regarding its acceptability.

(b) Corporate surety bonds must be manually signed by the Attorney-in-Fact or officer of the surety company. The corporate seal of the surety company must be affixed. Copies of the powers of attorney from the surety company authorizing the Attorney-in-Fact to execute bonds may be requested by the contracting officer.

(c) Questions concerning an individual surety's financial acceptability are matters of responsibility rather than responsiveness (Comptroller General Decision File No. B-203608, June 15, 1982).

(d) When the bond or surety is not acceptable, the bid guarantee, other than a bond, shall be returned to the bidder. The Contracting officer shall provide the offeror with an explanation as to why the bond or surety is not acceptable.

(e) When a contracting officer has verified the acceptability of the surety on a bond, he shall so certify by placing the words "Acceptability of Bond Verified," with his signature immediately thereunder, on the bond or on a properly identified attachment. The bond shall be retained with the original of the contract. The contracting officer shall notify the contractor that the bond(s) have been accepted.

Dated: September 3, 1982.

Philip G. Read,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 82-26498 Filed 9-24-82; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct; Corrections and Amendment

AGENCY: Department of the Interior.

ACTION: Final rule, correction and amendment.

SUMMARY: This notice contains corrections to the final rules governing Employee Responsibilities and Conduct published on December 1, 1981 (46 FR 58420).

In addition, this notice incorporates a September 9, 1982, decision by the Under Secretary to apply to employees of the Minerals Management Service restrictions on ownership of interests in Federal Lands. The restrictions being incorporated are similar to restrictions to which Minerals Management Service employees were subject in the bureaus and offices from which they were transferred when the Minerals Management Service was created.

EFFECTIVE DATE: September 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Gabriele J. Paone or Mr. Mason Tsai, Department Ethics Office, U.S. Department of the Interior, Washington, D.C. 20240, (202) 343-3932.

SUPPLEMENTARY INFORMATION: This document corrects typographical and grammatical errors, and incorporates format changes in the text. Language is also added to specific provisions to better explain their meaning. Some of the corrections to specific provisions are based on administrative problems discovered while enforcing the current regulations. The corrections being made do not change the effect of the current regulations or of the statutes cited in the current regulations.

On September 9, 1982, the Under Secretary decided to extend the U.S. Geological Survey statutory provisions of 43 U.S.C. 31(a) to the Director and all employees in the Minerals Management Service. This policy decision is implemented in this final rule by additions incorporated into §§ 20.735-22(c)(3), 20.735-24 and 20.735.36. The vast majority of employees in the Minerals Management Service were subject to either this statutory provision or to similar statutory or regulatory provisions in organizations that were transferred to the Minerals Management Service. Therefore, there will be no significant effect resulting from the adoption of this policy.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The primary authors of this final rule are Gabriele J. Paone, Deputy Agency Ethics Official and Mason Tsai, Assistant Agency Ethics Official.

The Administrative Procedure Act excepts from its notice-and-comment requirements, rules related to agency management or personnel. While it is the policy of the Department of the Interior to nonetheless consider soliciting public comment on such rules, it has been determined that public comment on this rule is unnecessary because the amendments made are either minor and clarifying or do not impose obligations on Department employees to which they have not previously been subject.

Good cause for making this rule effective on September 30, 1982, rather than 30 days from the date of publication, exists because Title 43 of the Code of Federal Regulations is updated annually as of October 1 and the corrections and additions made in this rule are necessary to assure that the codified version of the Department's Employee Responsibilities and Conduct rules is current and accurate.

List of Subjects in 43 CFR Part 20

Conflicts of interest, Government employees.

Dated: September 21, 1982.

Donald P. Hodel,

Acting Secretary of the Interior.

Accordingly, the Department of the Interior makes the following corrections and additions to 43 CFR Part 20:

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

§ 20.735-1 [Corrected]

1. Correct § 20.735-1(a)(9) to read: "(9) 'Designated Agency Ethics Official'

means the Principal Deputy Assistant Secretary—Policy, Budget and Administration. In accordance with the rules in 5 CFR 738.202(b), the Deputy Agency Ethics Official shall serve as alternate agency ethics official."

2. Correct § 20.735–1(a)(10) to read "(10) 'Ethics Counselor' means the head of each bureau, as that term is defined in paragraph (3) above, except that the Assistant Secretary—Policy, Budget and Administration is the Ethics Counselor for employees in the Office of the Secretary and other offices for which personnel services are provided by the Division of Personnel Services, Office of Administrative Services."

3. Correct § 20.735–1(a)(11) to read: "(11) 'Deputy Ethics Counselor' means the bureau personnel officer or other qualified headquarters employee who has been delegated responsibility for the operational duties of the Ethics Counselor for that bureau. The Director, Office of Administrative Services is the Deputy Ethics Counselor for employees in the Office of the Secretary and other offices for which personnel services are provided by that Office."

4. Add a new § 20.735–1(a)(16) to read: "(16) 'Office of Personnel' means the Departmental Office of Personnel within the Department of the Interior, as distinguished from the Office of Personnel Management (formerly called the Civil Service Commission) and from personnel offices in each bureau within the Department of the Interior."

§ 20.735–2 [Corrected]

5. Add a new § 20.735–2(h)(4) to read: "(4)(i) Special codes of conduct have been approved in accordance with § 20.735–2(h) for three groups of employees:

"(A) Bureau of Land Management Fire Management Teams—approved January 16, 1981.

"(B) Minerals Management Service Employees—approved January 22, 1982.

"(C) Office of Inspector General Auditors and Investigators—approved July 16, 1982.

"(ii) Special codes are effective when signed by the Designated Agency Ethics Official and a representative of the Office of Personnel and the Office of the Solicitor. The listing of codes adopted will be revised when revisions are made to 43 CFR Part 20. Copies of these codes may be obtained from the Department's Designated Agency Ethics Official or the Bureau Ethics Counselor for the bureau involved."

§ 20.735–7 [Corrected]

6. Correct § 20.735–7(b)(2)(iv) to read: "(iv) Suitable mementos or awards of nominal value for a meritorious public contribution or achievement."

§ 20.735–9 [Corrected]

7. In § 20.735–9(b)(2), replace the words "Department of" with "Department for".

8. Correct § 20.735–11(b)(4) to read: "(4) An employee is prohibited from accepting any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistance expenses for such employee and his or her spouse or an aide to such employee, and excluding amounts paid or incurred for any agent's fees or commissions) for each appearance, speech or article (2 U.S.C. 441(i))."

§ 20.735–12 [Corrected]

9. Correct § 20.735–12(c)(1) to read: "(1) An employee may employ or appoint relatives to meet emergency needs without regard to the restrictions in 5 U.S.C. 3110 and this part. Appointments under these conditions are temporary not to exceed 1 month, but may be extended for a second month if the emergency needs still exist (refer to 5 CFR 310.202). Emergency needs means a national emergency as defined in the Federal Personnel Manual and includes emergencies posing immediate threat to life or property. Exceptions may also be made in situations involving special scientific needs, isolated field stations or locations where there is a shortage of quarters. In regard to summer employees, refer to current Department directives."

§ 20.735–13 [Corrected]

10. In § 20.735–13(b)(1), correct the last phrase ". . . make judgments which may affect those . . ." to read ". . . make judgments which substantially affect those persons or organizations."

§ 20.735–14 [Corrected]

11. In § 20.735–14(a)(2) the first two words, "Permissible activities" should be italicized.

12. In § 20.735–14(a)(3) the first two words, "Prohibited activities" should be italicized.

13. Correct § 20.735–14(a)(3)(ii) to read: "(ii) Serving as an officer of a political party, a member of a National, State or local committee of a political party, an officer or member of a committee of a partisan political club, an officer in a Political Action Committee, or being a candidate for any of these positions. With respect to membership in Political Action Committees employees should obtain guidance from their ethics counselor;"

§ 20.735–17 [Corrected]

14. Correct that last sentence in § 20.735–17(p) to read: "Notwithstanding this paragraph, employees who are not on official duty may carry firearms on Departmental lands under the same conditions and in accordance with procedures and authorizations established for members of the general public."

§ 20.735–20 [Corrected]

15. Correct the list of offices in § 20.735–20(c) by making two changes:

a. Replace "All Assistant Secretary Immediate Offices" with "All Assistant Secretary Immediate Offices including Bureau and Office Directors".

b. Remove "Outer Continental Shelf Program Coordination."

§ 20.735–21 [Corrected]

16. Correct § 20.735–21(b)(3) to read: "(3) 'Direct interest' means any ownership or part ownership by an employee in his or her own name of lands, stocks, bonds, or other holdings. Direct interest also includes: (i) Membership or outside employment in a firm and (ii) Ownership of stock or other securities in a corporation which has, directly or through a subsidiary, business related to the employee's duties."

17. Correct § 20.735–21(b)(4) to read: "(4) 'Indirect interest' means any ownership or part ownership of a financial interest by an employee in the name of another where the employee still reaps the benefits. Indirect interests includes: (i) Partnership agreements, (ii) Sole proprietary or personal relationships where the employee still reaps the benefits, (iii) Substantial holdings of a spouse or dependent child, and (iv) For Executive Order 11222 restrictions, the substantial holdings of other relatives who live in the employee's personal residence."

18. On the first line of § 20.735–21(b)(5), correct the term "Substantially" which is being defined, to read "Substantially or Substantial"

§ 20.735–22 [Corrected]

19. In § 20.735–22(b)(3), remove "proscribed by" and insert "prohibited by the statutes described in".

20. Correct § 20.735–22(c)(3) to read: "(3) The Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations. Members of the Geological Survey are prohibited from holding any personal or private direct

interest in lands whose title is in the United States. They are also prohibited from holding personal or private direct interests in the mineral wealth of such lands (43 U.S.C. 32(a)). These statutory restrictions are by this sentence, extended to the Director and all members of the Minerals Management Service. Refer to § 20.735–24 for prohibitions on interests in Federal lands and resources by employees of the Department generally."

§ 20.735–23 [Corrected]

21. Correct § 20.735–23(b)(3) to read: "(3) Outside work or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of a regular or special government employee is prohibited. Incompatible activities include but are not limited to: (i) outside work which tends to impair the employee's mental or physical capacity to perform his or her Government duties and responsibilities in an acceptable manner;

"(ii) any work assignment or employment affiliation which might encourage on the part of members of the general public a reasonable belief of a conflict of interest. In this connection, it is not necessary that there be an actual conflict of interest before applying this policy. The fact that the general public could logically perceive a conflict of interest is sufficient for a determination that the work or activity be prohibited."

§ 20.735–23 [Corrected]

22. Clause (ii) of the Note after § 20.735–23(c)(1)(vi) is corrected to read: "(ii) create a substantial appearance of conflict of interest with the employee's official government duties."

23. Correct the first sentence of § 20.735–23(g)(3) to read: "Each report shall be reviewed by the employee's supervisor and a determination shall be made by the supervisor whether there is compliance with the prohibitions of this section and of §§ 20.735–6 and 20.735–22 of this part."

24. Correct § 20.735–23(g)(3)(ii), to read: "(ii) Take remedial action to correct any situations which violate the prohibitions in this section or in §§ 20.735–6 and 20.735–22 of this part."

§ 20.735–24 [Corrected]

25. Correct § 20.735–24(a)(3) to read: "(3) 'Direct interest in federal lands' means any employee ownership or part ownership in federal lands or any participation in the earnings therefrom, or the right to occupy or use the property or to take any benefits therefrom, based upon a contract, grant, lease, permit, easement, rental agreement, or application. Direct interest in federal lands includes:

"(i) Membership or outside employment in a firm which has interests in federal lands, and

"(ii) Ownership of stock or other securities in a corporation which has an interest in federal lands directly or through a subsidiary."

26. Correct § 20.735–24(a)(4) to read: "(4) 'Indirect interest in federal lands' means any ownership or part ownership of an interest in federal lands by an employee in the name of another where the employee still reaps the benefits. Indirect interest in federal lands also includes:

"(i) holdings in land, mineral rights, grazing rights or livestock which in any manner is connected with or involves the substantial use of the resources or facilities of the federal lands, and

"(ii) substantial holdings of a spouse or dependent child."

27. Revise § 20.735–24(b)(1) to read: "(1) The Director and members of the U.S. Geological Survey, Bureau of Land Management and of the Minerals Management Service are prohibited from:

"(i) Voluntarily acquiring a direct or indirect interest in federal lands; or

"(ii) Retaining a direct interest in federal lands acquired voluntarily or by any other method, before or during employment by the Department."

28. Correct § 20.735–24(b)(2)(ii) to read: "(ii) Retaining a direct interest in federal lands acquired voluntarily or by any other method before or during employment by the Department. *Refer to § 20.735–20(c) for the definition of Office of the Secretary and other Departmental offices."*

29. In § 20.735–24(d)(2), correct the last phrase in the sentence to read, ". . . provided that such an individual shall not acquire any additional interest in federal lands during employment."

30. Add § 20.735–24(d)(5) to read: "(5) Employees in Indian Affairs are not prohibited by the provisions of this section from acquiring or retaining interests in federal lands controlled by the Department for the benefit of Indians and Alaska Natives provided such interests are otherwise legal."

31. Correct § 20.735–24(e)(1) to read: "(1) The Designated Agency Ethics Official may approve the retention of an interest in federal lands for employees identified in § 20.735–24(b) when there is little or no relationship between the employee's functions or duties and the particular interest in federal lands, and: (i) The employee, or the spouse or dependent child of the employee, acquired such an interest by gift, devise, bequest, or operation of law, or

"(ii) The employee or the spouse or dependent child of the employee, acquired such an interest prior to the time the employee entered on duty in the Department, or

"(iii) In the case of stock or securities traded on the open market, divestiture would constitute a financial hardship, or

(iv) The employee, or the spouse or dependent child of the employee acquired such an interest through a pre-existing trust or inherited trust (not established by themselves) provided, the employee has no control over its management or assets."

§ 20.735–27 [Corrected]

32. Correct § 20.735–27(a)(1) to read "(1) 'Direct interest in Mining Activities' means any employee ownership or part ownership in mining activities or any participation in the earnings therefrom, or the right to take any benefits therefrom, based upon a contract, grant, lease, permit, easement, rental agreement, or application. Direct interest in mining activities includes:

"(i) Membership or outside employment in a firm which has interests in mining activities, and

"(ii) Ownership of stock or other securities in a corporation which has an interest in mining activities directly or through a subsidiary."

33. Correct § 20.735–27(a)(2) to read: "(2) 'Indirect interest in mining activities' means any ownership or part ownership of an interest in mining activities by an employee in the name of another where the employee still reaps the benefits. An indirect interest in mining activities also includes:

"(i) holdings in land, mineral rights, or other rights which in any manner are connected with mining activities, and

"(ii) substantial holdings of a spouse or dependent child.

"*Refer to Note* § 20.735–21(b)(4) for examples of the kinds of interests that are not covered."

34. Remove the last sentence from § 20.735–27(b)(4).

35. Correct § 20.735–27(e)(1) to read: "(1) The Designated Agency Ethics Official may approve the retention of an interest in mining activities for employees identified in § 20.735–27(b) when there is little or no relationship between the employee's functions or duties and the particular interest in mining activities, and (i) The employee, or the spouse or dependent child of the employee acquired such an interest by gift, devise, bequest, or operation of law, or (ii) The employee or the spouse or dependent child of the employee, acquired such an interest prior to the time the employee entered on duty in

the Department, or (iii) In the case of stock or securities traded on the open market, divestiture would constitute a financial hardship, or (iv) The employee or the spouse or dependent child of the employee acquired such an interest through a pre-existing trust or inherited trust (not established by themselves) provided, the employee has no control over its management or assets."

§ 20.735-35 [Corrected]

36. In § 20.735-35(c)(2), correct the last phrase, ". . . and such others as the Secretary may designate." to read: . . . the Director, Office of Administrative Services; the Personnel Officer, Division of Personnel Services; and such others as the Secretary may designate."

37. Remove § 20.735-35(c)(5) in its entirety. Redesignate § 20.735-35(c)(6) as § 20.735-35(c)(5). Redesignate § 20.735-35(c)(7) as 20.735-35(c)(6).

§ 20.735-36 [Corrected]

38. Correct § 20.735-36(a) to read: "(a) The following statutory restrictions apply specifically to the heads and members of the bureaus and offices identified and are extended to employees in the Office of the Secretary and in other Departmental offices reporting directly to a Secretarial officer, who are in pay grades equivalent to GS-16 and above or who are in merit-pay positions as described in 5 U.S.C. 5401(b)(1): (1) 43 U.S.C. 31(a)—Geological Survey; (2) 18 U.S.C. 437—Indian Affairs; (3) 43 U.S.C. 11—Bureau of Land Management; (4) 30 U.S.C. 6—Bureau of Mines. In addition, the statutory restrictions of 43 U.S.C. 31(a) are extended to the Director and members of the Minerals Management Service. *Refer to § 20.735-20(c) for the definition of Office of the Secretary and other Departmental Offices."*

39. Correct the first sentence of § 20.735-36(b) to read: "Each employee covered by one or more of these restrictions shall sign a certificate of disclaimer upon entrance to or upon transfer to these bureaus or offices."

40. Add Appendix A-6 to read:

Appendix A-6

Minerals Management Service Employee Certification

I have been given a copy of Department of the Interior Regulations governing Responsibilities and Conduct of Employees (43 CFR Part 20). I have been advised of the name and location of the Bureau and Deputy Bureau Ethics Counselors. I understand that I may discuss questions or concerns related to my responsibilities, conduct, and financial interests with these individuals.

I certify I have been informed of the regulatory restrictions contained in 43 CFR 20.735-22(c)(3) and 20.735-24 which provide that employees of the Minerals Management Service shall have no direct or indirect interest in federal lands or the mineral wealth of the federal lands, and shall execute no surveys or examinations for private parties or corporations.

The Department has determined that these restrictions prohibit an employee of the Minerals Management Service from having any personal or private interest, direct or indirect, in federal lands. Further, an employee of the Minerals Management Service is prohibited by the Department from having any personal or private interest in the mineral wealth of such lands and from executing surveys or examinations for private parties or corporations with or without remuneration.

I certify that to the best of my knowledge I do not have any personal or private interest, direct or indirect, in Federal lands as defined in § 20.735-24(a).

Note.—The provisions in 43 CFR 20.735-22(c)(3) and 20.735-24 should be read completely before this statement is signed.

(Employee's name (typed or printed))

(Signature of employee)

(Title of position)

(Date)

Instructions

1. All applicable employees of the Minerals Management Service shall complete the certifications on this form.

2. Signed certificates shall be sent to and maintained by the appropriate Personnel Office.

3. If an employee is unable to sign the certificate, he or she must submit a statement of facts to the appropriate Ethics Counselor for review and action.

Authority: 5 U.S.C. 301; 5 CFR 735.104; 5 CFR 734.103; E.O. 11222, 30 FR 6469, 3 CFR 1964-65 (Comp.) as amended (18 U.S.C. note).

Privacy Act Notice

43 CFR 20.735-22(c)(3), 20.735-24 and 5 U.S.C. 301 constitute the authority for requesting this certification. This certification must be signed; failure to do so can be cause for denying appointment or for appropriate disciplinary action.

This certification will be used to record officially the fact that you have knowledge of, and are in compliance with, the restrictions pertinent to your employment. The information certified to will be considered confidential and will form a part of the records of the office where you file; as such, the contents may be routinely disclosed to authorized Interior personnel, the Office of Personnel Management, the Department of Justice and to appropriate law enforcement agencies.

[FR Doc. 82-26407 Filed 9-24-82; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

43 CFR Public Land Order 6338

[A-12830 WR; A-12843 WR]

Arizona; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes three Departmental orders affecting 346.34 acres of public lands withdrawn by the Bureau of Reclamation for use in connection with the Colorado River Storage Project. Some 293.06 acres are located within the Lake Mead National Recreation Area and will be administered by the National Park Service. The remaining 53.28 acres are included in a State Selection Application filed by the State of Arizona. All of the lands will remain closed to operation of the general land laws, including the mining laws, but not the mineral leasing laws.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Orders of July 2, 1902, January 31, 1903, and October 16, 1931, which withdrew lands for the Bureau of Reclamation in connection with the Colorado River Project are hereby partially revoked insofar as they affect the following described lands:

(A-12830)

Gila and Salt River Meridian, Arizona

T. 9 S., R. 25 W.,
Sec. 24, lots 1, 3, 4, 5, excepting therefrom 120 feet west and 50 feet east of the centerline of old levee.

The area encompasses 53.28 acres in Yuma County.

(A-12843)

Gila and Salt River Meridian, Arizona

T. 21 N., R. 21 W.,
Sec. 30, lots 1, 2, 3, W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼ excepting therefrom a strip of land 300 feet in width landward from the existing bank of the Colorado River.

The area encompasses 293.06 acres in Mohave County.

The two areas aggregate 346.34 acres.

2. The lands in Section 24, T. 9 S., R. 25 W., paragraph 1, are currently under

State Selection Application (A–17000–K), filed by the State of Arizona. The lands will remain closed to operation of the public land laws including the mining laws.

The lands in Section 30, T. 21 N., R. 21 W., paragraph 1, lie within the Lake Mead National Recreation Area which is administered by the National Park Service and will therefore remain closed to operation of the general land laws, including the mining laws. The lands will continue to be administered by the National Park Service.

All of the lands in paragraph one have been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 20, 1982.

[FR Doc. 82–26464 Filed 9–24–82; 8:45 am]

BILLING CODE 4310–84–M

Proposed Rules

Federal Register
Vol. 47, No. 187
Monday, September 27, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Parts 1b and 1c

Revision of National Environmental Policy Act (NEPA) Policies and Procedures

AGENCY: Department of Agriculture.

ACTION: Notice of proposed rulemaking.

SUMMARY: On July 30, 1979, the Department of Agriculture (USDA) published rules setting forth policies and procedures for compliance with the National Environmental Policy Act (NEPA), as amended, and the Council on Environmental Quality's (CEQ) implementing regulations (40 CFR Part 1500–1508).

On September 30, 1981, (46 FR 47747), the USDA published a final rule which revised delegations of authority within the Department. In these revisions, the Office of Environmental Quality was abolished and the Assistant Secretary for Natrual Resources and Environment (NR&E) was delegated the authority to administer NEPA implementation for the Department. It has been determined that effective NEPA implementation can best be achieved by reliance on individual USDA agency NEPA regulations for detailed implementation procedures. It has been further determined that a Departmental statement of policy regarding NEPA is an effective means of assisting agency implementation. This proposed regulation sets forth this policy.

DATES: Comments must be received on or before November 26, 1982.

ADDRESSES: Submit written comments to David E. Ketchum, Co-chairman of the Environmental Issues Working Group, U.S. Department of Agriculture, Forest Service, P.O. Box 2417, Washington, D.C. 20013. All written comments made pursuant to this notice will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Peter F. Smith, Executive Secretary of the Environmental Issues Working Group, Room 6154 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447–5166.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under procedures established in Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as nonmajor. The proposed rule will not have—

(a) An annual effect on the economy of $100 million or more; or

(b) Any increased costs or prices to consumers; individual industries; Federal, State, or local government agencies; or geogrpahic regions; or

(c) A significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

I have determined that this action will not have a significant economic impact on a substantial number of small entities because it imposes on direct or indirect costs on small entities, it requries no paperwork or recordkeeping, it does not affect the competitive position of small entities in relation to large entities, it does not affect the cash flow or liquidity of small entities, it does not affect the ability of a small entity to stay in the market, and it does not require that small entities obtain professional assistance to meet regulatory requirements.

Alternatives to this proposed rulemaking have been considered. The alternative of not amending the regulation was considered. This was not recommended for several reasons. The exising regulation relies on the now abolished Office of Environmental Quality for implementation. The existing regulation does not incorporate the Department's statement concerning the exclusion of some USDA agencies from the need to prepare implementing procedures. Finally, the existing regulation does not reflect recent agency reorganizations and title changes.

Another alternative considered was the cancellation of the existing regulation. This alternative is not recommended because it was decided to be desirable to maintain a Departmental statement of policy and procedures regarding NEPA and because cancellation would have required amendment of the NEPA regulations of several USDA agencies which refer to the Departmental regulations.

The proposed action will provide a USDA policy statement regarding NEPA and environmental matters, including responsibilities for environmental effects abroad; a list of USDA actions categorically excluded from the preparation of environmental assessments and environmental impact statements and a list of USDA agencies which have been excluded from the requirements to prepare implementing procedures. The latter two provisions represent only minor changes from the USDA's existing NEPA regulations. The proposed action modifies the existing regulation by eliminating certain procedural requirements which were formerly carried out by the Office of Environmental Quality.

List of Subjects in 7 CFR Part 1b

Environmental impact statements, Historic preservation, Foreign relations.

Therefore, it is proposed that Title 7, Subtitle A of the Code of Federal Regulations be amended as follows:

1. A new part 1c is added and reserved to read as follows:

PART 1c—CULTURAL RESOURCES [RESERVED]

2. A new part 1b is added to read as follows:

PART 1b—NATIONAL ENVIRONMENTAL POLICY ACT

Sec.
1b.1 Purpose.
1b.2 Policy.
1b.3 Categorical exclusions.
1b.4 Exclusion of agencies.

Authority: National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 et seq.; E.O. 11514, 34 FR 4247, as amended by E.O. 11991, 42 FR 26927; E.O. 12114, 44 FR 1957; 5 U.S.C. 301; 40 CFR 1507.3.

§ 1b.1 Purpose.

(a) This part supplements the regulations for implementation of the National Environmental Policy Act (NEPA), for which regulations were published by the Council on Environmental Quality (CEQ) in 40 CFR Parts 1500–1508. This part incorporates and adopts those regulations.

(b) This part sets forth Departmental policy concerning NEPA, establishes categorical exclusions of actions carried

out by the Department and its agencies, and sets forth those USDA agencies which are excluded from the requirement to prepare procedures implementing NEPA.

§ 1b.2 Policy.

(a) USDA agencies carry out programs for the purposes of encouraging sufficient and efficient production of food, fiber, and forest products; proper management and conservation of the Nation's natural resources; and the protection of consumers through inspection services. Programs to meet this mission are carried out through research; education; technical and financial assistance to landowners and operators, producers, and consumers; and management of the National Forest System.

(b) All policies and programs of the various USDA agencies shall be planned, developed, and implemented so as to achieve the goals and to follow the procedures declared by NEPA in order to assure responsible stewardship of the environment for present and future generations.

(c) Each USDA agency is responsible for compliance with the provisions of this subpart, the regulations of CEQ, and the provisions of NEPA. Compliance will include the preparation and implementation of specific procedures and processes relating to the programs and activities of the individual agency, as necessary, including those involving environmental effects abroad.

(d) The Assistant Secretary, Natural Resources and Environment (NR&E), is responsible for ensuring that agency implementing procedures are consistent with CEQ's NEPA regulations and for coordinating NEPA compliance for the Department (7 CFR Part 2819(b)). The Assistant Secretary, through the USDA Natural Resources and Environment Committee, will develop the necessary processes to be used by the Office of the Secretary in reviewing, implementing, and planning its NEPA activities, determinations, and policies.

§ 1b.3 Categorical exclusions.

(a) The following are categories of activities which have been determined not to have a significant individual or cumulative adverse effect on the human environment and are excluded from the preparation of environmental assessments (EA's) or environmental impact statements (EIS's), unless individual agency procedures prescribe otherwise.

(1) Policy development, planning, and implementation which relates to routine activities such as personnel, organizational changes, or similar administrative functions;

(2) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, transfer, or reprogramming of funds;

(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

(4) Educational and informational programs and activities;

(5) Civil and criminal law enforcement and investigative activities;

(6) Activities which are advisory and consultative to other agencies and public and private entities such as legal counselling and representation;

(7) Activities related to trade representation and market development activities abroad.

(b) Agencies will identify in their own procedures the activities which normally would not require an environmental assessment or environmental impact statement.

(c) Notwithstanding the exclusions listed above and in § 16.4, or exclusions identified in agency procedures, agency heads may determine that circumstances dictate the need for preparation of an EA or EIS for a particular action. Agencies shall continue to scrutinize their activities to determine continued eligibility for categorical exclusion.

§ 1b.4 Exclusions of agencies.

The USDA agencies listed below carry out programs and activities which have been found to have no individual or cumulative effect on the human environment. These agencies are excluded from the requirements to prepare implementing procedures. Actions of these agencies are categorically excluded from the preparation of an EA or EIS unless the agency head determines that an action may have a significant environmental effect.

(a) Agricultural Cooperative Service.
(b) Agricultural Marketing Service.
(c) Extension Service.
(d) Economic Research Service.
(e) Federal Crop Insurance Corporation.
(f) Federal Grain Inspection Service.
(g) Food and Nutrition Service.
(h) Food Safety and Inspection Service.
(i) Foreign Agricultural Service.
(j) Office of Transportation.
(k) Packers and Stockyards Administration.
(l) Statistical Reporting Service.
(m) Office of General Counsel.
(n) Office of Inspector General.
(o) National Agricultural Library.

John B. Crowell, Jr.,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 82-25887 Filed 9-24-82; 8:45 am]
BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 60

Market News Reports

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to amend the interim final rule published on July 8, 1982, at 47 FR 29643–29645, which established the collection of fees for the distribution upon request of copies of market news reports to the general public. The proposal would require all media, whether trade publication or general news media, to pay for mailed market news reports, thereby eliminating the exemption for news media presently contained in the interim final rule.

EFFECTIVE DATES: Comments due on or before October 27, 1982.

ADDRESS: Send comments to William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, Room 3071, South Building, United States Department of Agriculture, Washington, D.C. 20250. Comments will be available for public inspection at this location during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dairy reports: Silvio Capponi, Chief, Market Information Branch, Dairy Division, AMS, USDA, Washington, D.C. 20250, (202) 447–7461. Fruit and vegetable reports: Clay J. Ritter, Chief, Market News Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–2745. Livestock and grain reports: James A. Ray, Chief, Market News Branch, Livestock, Meat, Grain and Seed Division, AMS, USDA, Washington, D.C. 20250, (202) 447–6231. Poultry reports: Raymond S. Wruk, Chief, Market News Branch, Poultry Division, AMS, USDA, Washington, D.C. 20250, (202) 447–6911.

SUPPLEMENTARY INFORMATION: The Department proposes to amend the interim final rule published on July 8, 1982, at 47 FR 29643–29645 to require that all news media, whether trade publication or general news media, to

pay for mailed market news reports, thereby eliminating the exemption for news media presently contained in the interim final rule. The authority for these regulations is contained in the Agriculture and Food Act of 1981 (7 U.S.C. 2242a).

The Agriculture and Food Act of 1981 authorized the collection of fees for the reporting of economic research and statistical data. The Department promulgated the interim final rule to establish and collect fees to cover the cost of printing and mailing AMS market news reports. These fees were, as nearly as practicable, established to cover the Department's costs of the service, including administrative and supervisory costs of the published reports. In the interim final rule, the Department provided that no fee would be charged for the distribution of market reports to wire services, newspapers, news magazines, and broadcast news outlets. The interim final rule did provide for fees for the large number of trade journals and trade association publications aimed at organizational memberships for the reason that the Department had determined that it would not be appropriate to provide market news reports free of charge to these numerous organizations which serviced limited audiences.

Based upon written comments received from trade associations and trade publications, it appears that the commentators were opposed to the classification and differentiation of general versus specialized news media publications. In light of the overall comments received, it is acknowledged that many publications in direct competition with each other for subscribers cannot be easily categorized as news media or trade publications. Therefore, it is proposed that the interim final rule be amended to eliminate the exemption for the news media. The Department will, however, continue to provide all media with current information by wire service and automatic telephone answering devices without charge. Single, free copies of daily, semi-weekly, and weekly reports are available for pick up at the local office which prepared the report. The Administrator has determined that a 30-day public comment period on this amendment to the interim final rule is adequate to provide all interested parties an opportunity to file views and comments. The comments previously submitted by interested parties demonstrate a necessity to promptly reach a determination in this matter.

The proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512-1 and has been determined to be a "non-major" rule, because it does not meet any of the criteria established for major rules under the executive order. In conformance with the provision of the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), full consideration has been given to the potential economic impact upon small business. Most producers, dealers, and news media fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A number of firms who are expected to use the market news reports do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. It has been determined that the economic impact upon all entities, small and large, will not be adverse and will in no way affect normal competition in the marketplace.

List of Subjects in 7 CFR Part 60

Market news reports, Subscription fees.

PART 60—MARKET NEWS REPORTS

Accordingly, it is proposed that 7 CFR Part 60 as promulgated by the interim final rule published at 47 FR 29645 be amended as follows:

§ 60.1 [Amended]

1. In § 60.1, remove paragraph (f).

2. In § 60.5, paragraph (a) is revised to read as follows:

§ 60.5 Market news reports published by the Dairy Division; Fruit and Vegetable Division; Livestock, Meat, Grain and Seed Division; and Poultry Division

(a) Market news reports shall be available on an annual subscription (or seasonal subscription for reports issued by the Fruit and Vegetable Division) upon written request and upon payment of a subscription fee, except that no fees will be charged to other government agencies which assist in the collection of market news data for the requested report. Establishment of mailing lists, based on the payment of subscription fees, will begin upon publication of this rule and will be updated on a continuing basis.

* * * * *

Done at Washington, D.C., September 22, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-26468 Filed 9-24-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 81-008]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements for Detection of Viable Bacteria and Fungi in Live Vaccines

Corrections

In FR Doc. 82-21871 beginning on page 34995 in the issue for Thursday, August 12, 1982, make the following changes:

1. On page 34996, third column, § 113.27(b)(5), third line, insert "a" after "into".

2. On page 34997, first column, § 113.27(d)(1), last line, "0.1" should read "0.2".

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 82-640]

Data Processing Activities of Federal Associations

September 17, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board is proposing to amend its regulations to authorize federal associations to engage in a wider range of data processing activities. The proposal would allow federal associations to establish or maintain data processing offices through which they could provide certain data processing and transmission services for their own use, the use of a subsidiary, or of another depository institution. The proposal would authorize associations to market by-products generated from such services and to market excess capacity on their equipment as an incident to providing the services. Associations could also provide these services to other institutions if excess capacity is available on the equipment and if they comply with other limitations. The proposed amendments would authorize federal associations to utilize any feasible data processing technology as a means of providing services they currently provide. The proposed amendments are intended to assist associations in engaging in additional data processing activities that will allow them to conduct their

operations as efficiently and productively as possible and to provide such services to other institutions in certain circumstances.

DATE: Comments must be received by November 24, 1982.

ADDRESS: Comments should be sent to the Public Information Office, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Neil R. Crowley, Attorney, Office of General Counsel, at the above address. (202) 377–6417.

SUPPLEMENTARY INFORMATION:

Background

In recent years, financial institutions have made increasing use of new technologies to conduct their business operations. The use of data processing technology and equipment in the financial marketplace is commonplace. As financial markets become more competitive, federal associations will need to utilize new technologies in order to operate efficiently and profitably. Accordingly, the Board believes that associations should be permitted to engage in data processing activities that will allow them to conduct their internal operations as efficiently as possible and to provide data processing services to other institutions in certain circumstances. Therefore, the Board is proposing to amend its regulations pertaining to data processing services in order to clarify that federal associations may utilize any available data processing equipment or technology to conduct their operations, to authorize associations to provide a greater variety of such services, and to remove some of the current limitations on the provision of such services to others.

The proposal would broaden the types of data that associations may process to include any that are financial, economic, or related to thrift, home financing, or the activities of depository institutions. The proposal would also expressly authorize associations to transmit data between the associations' data processing offices and remote customer locations. In conjunction with the provision of data processing and transmission services, associations would now be permitted to provide the necessary facilities as well, including data processing and data transmission hardware and software, documentation, and operating personnel. Associations would be required to provide these services primarily for their own use, for the use of a subsidiary, or for the use of another depository institution, including the parent or a subsidiary of the depository institution. Thus, services could be provided to unaffiliated non-depository financial intermediaries only if such services constitute less than 50% of the services provided. The proposal would give associations new authority to provide services to "others", without restriction on the identity of the customer, to the extent necessary to utilize excess capacity on their equipment. Associations would also be allowed to market by-products of their data processing services and any excess capacity on their equipment, subject to certain limitations. The provisions of the existing regulation allowing associations to participate with others in establishing or maintaining a data processing office would be retained unchanged.

Current Regulations

The Board's present regulations authorize federal associations to maintain a data processing office to provide "data processing services" for their own use and/or primarily for the use of other depository institutions. 12 CFR 545.16–1 (as amended, 47 FR 14468 (1982)). Associations may also provide such services to others on a for-profit basis if done as part of a correspondent relationship authorized by 12 CFR 545.30(a) (added, 47 FR 14468 (1982)). "Data processing services" are defined as the "maintenance of bookkeeping, accounting, or other records primarily by mechanical or electronic methods." 12 CFR 545.16–1(a) (1981).

Use of Technology

As the business of federal associations changes, commensurate with the competitive changes occurring in financial markets, associations will need to be able to employ new technologies. The Board believes that it is imperative for federal associations to be able to benefit from the use of data processing equipment and technology in conducting their day-to-day operations. The Board further recognizes that technology often develops rapidly and that to the extent that associations can incorporate new data processing technology into their authorized operations today, they should be able to do so.

Because the current regulations are silent on this matter, the Board believes that it is desirable to state expressly that associations may make such use of data processing technology. Accordingly, the Board is proposing to amend § 545.16–1, pursuant to its plenary authority to regulate the operations of federal associations granted by section 5(a) of the Home Owners' Loan Act, 12 U.S.C. 1464(a) (Supp. IV 1980) ("HOLA"), by adding a new paragraph (a) that would permit federal associations, when performing activities or services that are expressly or incidentally authorized by statute or by regulation, to utilize any data processing equipment or technology to do so. The authority conferred in new paragraph (a) would not preempt any other regulations dealing with the application of electronic or data processing technology and equipment, such as those pertaining to remote service units. With respect to an association's dealings with its customers, this authority could allow an association to employ data processing equipment and technology in performing such functions as accepting deposits, check cashing, and making withdrawals. The Board believes that such authority would allow an association to use the equipment either at its offices or at the location of its customers. The Board specifically requests comment on the issue of whether an association should be permitted to utilize this authority to provide home banking services to its customers.

Activities Permitted

Under the current regulations, associations may provide "data processing services" to themselves and/or primarily to other depository institutions through a data processing office. These services are, by definition, limited to the maintenance of bookkeeping, accounting, or other records. In proposing to expand the data processing activities of federal associations to include data that are financial, economic, or related to thrift, home financing, or the activities of depository institutions, the Board would limit the permissible data processing activities to those that are incidental to an association's expressly authorized activities.

It is the view of the Board that activities that are necessary, convenient, or useful to the performance of an association's express powers or to the furtherance of its express statutory purposes of promoting thrift and home financing are permissible as incidental activities. Under these criteria, the proposed data processing services would be incidental to both an association's expressly enumerated powers and its express statutory purpose of promoting thrift and providing for home financing. Such services will be useful and convenient to the performance of the expressly authorized functions of accepting deposits, borrowing funds, and making loans. To the extent that an association

can utilize data processing equipment or technology to become more efficient and profitable, it will be better able to fulfill its statutory purposes.

The Board is proposing to amend § 545.16–1(a) to allow associations, through a data processing office, to engage in data processing and data transmission services, provided the data that the association processes or transmits are financial, economic, or related to thrift, home financing or the activities of depository institutions. The first two data categories would include those services currently permitted, maintaining bookkeeping and accounting records, but would also allow associations to collect, process, store, analyze, and transmit other sorts of financial and economic data as well, such as data pertaining to economic trends and statistics, employment, housing starts, interest rates, exchange rates, and prices. Associations are experiencing an increasing need for all types of data in order to compete effectively with other institutions. Consequently, such data has become critical to an association's traditional operations in that it enables it to better manage and analyze its investment portfolio, understand general economic trends, and plan its future operations.

The proposal also would allow an association to process or transmit data that are related to thrift, home financing or the activities of depository institutions. This type of data are clearly integral to an association's own operations and could be provided to other depository institutions pursuant to the authority in 12 CFR 545.30(a) (added, 47 FR 17468 (1982)) regarding correspondent activities. The Board believes that the types of data proposed are all reasonably incident to associations' operations, but specifically solicits comments on the issue of what types of data might be permissible for an association to process or transmit.

The Board is also proposing to amend § 545.16–1 by providing expressly that associations may engage in data processing and data transmission activities. Implicit in this aspect of the proposal is the authority to collect, store, and analyze permissible data and to provide access to its facilities to its customers; the processing and transmission of data necessarily include these activities. The Board believes that in order for associations to provide data processing services in an efficient manner, they must be able to take advantage of developments in technology and facilities.

"Timesharing"—the simultaneous use of a computer by many users—is one such development, and is in widespread use by others engaged in data processing. Through timesharing, the recipients of the data processing services can communicate directly with the association's central processing facility via telephone lines. Integral to timesharing services is the transmission of data to the central facility from the recipient of the services. This necessarily involves the installation of terminal facilities at the location of the recipient. One characteristic of timesharing technology is that the central facility will experience peaks of high usage when many customers use the system simultaneously. As a consequence, there will also be slack periods when the system is used only to a fraction of its capacity.

The Board believes that associations may best provide data processing services for themselves, their subsidiaries, and other depositories (especially in conjunction with providing correspondent services) if they are allowed to use such technologies as timesharing. Accordingly, in addition to being able to process data, associations must be able to provide for their transmission between the remote locations of their offices or those of their customers and the central processing facility. For these reasons, the proposed amendments would authorize associations, as part of providing data processing and transmission services, to provide "data processing facilities" as well. These facilities include data processing and transmission hardware, software, documentation, and, if necessary, operating personnel.

It is not economically desirable to provide data processing services without including some software or hardware as part of the package. Therefore, the proposal would allow the provision of hardware and software to the extent that they are necessary for or integral to the provision of data processing and transmittal services. The Board believes that such limited provision of hardware and software is necessary if associations are to be able to provide comprehensive data processing services to depository institutions.

At this time, although the Board has chosen to propose limiting the activities, services, and equipment that associations may provide to those already described above, it would welcome further comments from the public on this matter. Comments are requested to address the issue of whether it would be appropriate for federal associations to engage in a wider range of data processing activities, such as the marketing of hardware and software independent of its provision of data processing services, electronic funds transfer, electronic home banking, and the provision of data processing services to the general public. The Board also believes that as associations employ timesharing or similar technologies in providing data processing services to others it will be necessary to establish internal and system controls for hardware and software in order that the integrity of its records and those of its customers and depositors be adequately protected. Accordingly, the Board is also requesting comments on what types of controls would best provide this protection.

Customer Base

The proposed § 545.16–1(b)(1) would allow federal associations to provide data processing or transmission services primarily for their own use, the use of a subsidiary, or the use of another depository institution, including the parent or subsidiary of the institution. The recipients of the services would be essentially unchanged from the current regulation, with the exception that subsidiaries and the parent are expressly included. Implicit in the use of the word "primarily" is the condition that the services provided to these recipients in the aggregate constitute at least 50% of the data processing services provided. Thus, as proposed, associations may provide the services to unaffiliated non-depository financial intermediaries only if the services do not constitute more than 50% of the associations' data processing services, as measured by either the number of contracts or the dollar volume of the services provided. As will be explained below, the amendments would also allow associations to provide services to others, i.e., non-depositories and non-intermediaries, to the extent that they have excess time or capacity on their facilities that they are unable to market pursuant to § 545.16–1(b), and subject to certain other restrictions. The Board believes that these limitations on the recipients of the data processing services are adequate to ensure that the equipment and technology are used primarily in aid of an association's express powers and that an association will not engage in any substantial data processing activities that are unrelated to its business.

As previously mentioned, the use of timesharing technology necessarily generates a degree of excess time on the data processing equipment. In order to avoid a financial loss on excess capacity that cannot otherwise be used,

the Board believes that it is necessary to propose allowing associations to market such excess capacity to any other customers. The proposal would require that the data provided or given access to be limited to the types previously described, that the associations not artificially create excess capacity, that the provision of hardware and software be limited, and that associations do no more than furnish the facilities and operating personnel. These safeguards should be adequate to prevent inappropriate use of the system by third parties. The Board specifically solicits comment on whether these restrictions are adequate or whether they may be too burdensome. The Board also believes that associations should be able to market any by-products generated from its data processing services.

The Board is further proposing to allow associations to provide their data processing and transmission services to "others", without restriction on the identity of the customer, provided that it does so only to the extent necessary to utilize any excess capacity on its facilities and further provided that it does so in compliance with additional restrictions that are substantially the same as those pertaining to the marketing of excess capacity. The Board believes this authority is necessary in order for associations to avoid having substantial amounts of costly excess capacity on its equipment. The proposal is not intended to allow associations to enter the data processing business as a substantial part of its business.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorporated into the supplementary information accompanying the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule would apply only to savings and loan associations chartered by the Board.

3. *Impact of the proposed rules on small institutions.* The proposal would grant the same authority to engage in data processing activities to both small and large associations. Any association with adequate resources may be able to conduct data processing activities on its own. Smaller associations would also be able to do so by participating with others pursuant to § 545.16–1(b)(2). If individual small associations choose not to engage in data processing activities, they will still be able to benefit from the proposal by obtaining whatever services they need from another association whose data processing facilities would be tailored to the needs of the thrift industry. The proposal does not require specific recordkeeping or other paperwork that might be disproportionately burdensome on small instititions.

4. *Overlapping or conflicting Federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposal.

5. *Alternatives to the proposed rules.* The proposal would allow all federal associations to engage in data processing activities to the extent they are able or desire to do so. There is no alternative that would better enable smaller entities to engage in data processing activities.

List of Subjects in 12 CFR Part 545

Savings and loan associations.

Accordingly, the Board hereby proposes to amend Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Amend § 545.16–1 by revising paragraphs (a) and (b)(1) and by adding new paragraphs (c) and (d) as follows:

§ 545.16–1 Data processing services.

(a) A Federal association may, when performing any activity or service that is expressly or incidentally authorized by statute or by regulation, employ any data processing equipment or technology to do so.

(b)(1) An association may establish or maintain a data processing office through which it may provide data processing and data transmission services primarily for its own use, the use of a subsidiary, or the use of another depository institution (including the parent or a subsidiary of such institution) without observing the application and approval procedures for branch offices set forth in this Part, provided the data to be processed or transmitted are financial, economic, or related to thrift, home financing or the activities of depository institutions. In conjunction with these services, an association may provide data processing facilities, including data processing and data transmission hardware, software, documentation, and operating personnel, to the extent that such facilities are necessary for the provision of data processing and transmitting services.

* * * * *

As an incident to providing data processing and data transmission services pursuant to paragraph (b) of this section, an association may:

(1) Market by-products of such services, and

(2) Market excess capacity on its data processing equipment and facilties if:

(i) The involvement of the association is limited to furnishing the facilities and necessary operating personnel;

(ii) The association has not purchased the equipment or facilities for the purpose of creating excess capacity;

(iii) The data to be processed or transmitted are financial, economic, or related to thrift, home financing or the activities of depository institutions; and

(iv) No hardware is provided to the user of the excess capacity except that which is necessary for processing or transmitting the data, and any software provided is limited to systems software, network communications support, and documentation that is necessary for the use and maintenance of the association's equipment and facilities.

(d) An association may provide data processing and data transmission services, or access to such services, to persons other than those authorized in paragraph (b)(1) of this section on a for-profit basis only if the involvement of the association is limited to furnishing the facilities and the necessary operating personnel, and:

(1) Such services are provided only to the extent necessary to utilize any excess capacity available on the association's data processing equipment or facilities,

(2) The data services so provided, or to which access is given, are financial, economic, or related to thrift, home financing or the activities of depository institutions,

(3) No hardware is provided to the user of the services except that necessary for processing or transmitting the data, and

(4) The services are provided pursuant to a written agreement that describes and incorporates the limitations on such services imposed by this section.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82–26495 Filed 9–24–82; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-82-11]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before November 26, 1982.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 20, 1982.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the rule requested
23224	Andy F. Mills	*Description of Petition:* To add a new Subpart G to Part 65 to authorize the certification of avionics repairmen, to authorize these avionics repairmen to perform maintenance under § 43.3 and to approve avionics systems for return to service under § 43.7, and to further authorize repair stations certificated under Part 145, Subpart B and Subpart D, to utilize these avionics repairmen. *Regulations Affected:* 14 CFR Portions of Parts 43, 145 and 65. *Petitioner's Reason for Rule:* The specialization of avionics equipment has been ignored by the present system of having an A&P mechanic sign for communication, navigation, and radar system maintenance and having authorized inspectors sign for autopilot, flight director, and remote gyroscopic system maintenance. The sophistication of electronic autopilots and other avionic systems necessitates a detailed knowledge of these systems in order to safely approve these systems. Certificated repairmen at certificated repair stations with radio ratings can now maintain and approve avionics systems. Such employment should not be a requirement in order to perform maintenance and to approve avionics systems for return to service.
23273	Air Transport Assn	*Description of Petition:* To amend §§ 61.31, 61.157, and 121.437 to provide alternative means for issuance of type ratings to pilots employed by Part 121 certificate holders or for service as pilot-in-command without a type rating for the airplane. The petition provides for three options: (1) pilots employed by a FAR 121 operator may be issued a type rating by the FAA after successful completion of an approved aircraft qualification course and a flight check administered by the operator, (2) pilots employed by FAR Part 121 operators who successfully complete an approved aircraft qualification course may serve as P.I.C. of an airplane for that operator without a type rating for that airplane if the pilot holds a type rating on another airplane in the same group, and (3) pilots employed by Part 121 operators may be issued a type rating after successful completion of an approved aircraft qualification course and observed by an FAA Inspector on at least one leg of his IOE. *Regulations Affected:* 14 CFR Portions of Parts 61 and 121. *Petitioner's Reason for Rule:* ATA contends that carriers which operate under Part 121 with approved and closely monitored training programs should also be considered competent to determine whether pilots are qualified for additional type ratings. This would apply to pilots who already hold an Airline Transport Pilot Certificate and a jet transport (Group II, per FAR 121.400) type rating and who complete an approved qualification course and flight check in a different type aircraft.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description and disposition of the petition
21756	Mr. Stanley J. Green, General Aviation Manufacturers Assoc. (GAMA).	Change to Section 21.50(b) of FAR issued in Amendment 21-51 effective October 14, 1980, as further modified in Amendment 21-51(A), effective December 29, 1980, to defer the compliance date of January 28, 1981, for general aviation airplanes and transport airplanes up to 75,000 pounds takeoff weight, with respect to compliance with the provisions of Parts 23.1529 and 25.1529, until such time as the objectives and intent of the FAA in accord with the original NPRM, are clarified and made known. *Withdrawn 8/20/82.*

[FR Doc. 82-26465 Filed 9-24-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-49-AD]

British Aerospace DH/BH-125 Airplanes All Series; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Airworthiness Directive (AD) 77-13-09 which would require the compliance time for the modification of the front pressure bulkhead on BH/DH-125 airplanes to include an age compliance time of ten years as well as the current 6,600 landings compliance. This action is necessary because corrosion crack propagation is time related.

DATE: Comments must be received on or before October 29, 1982. Compliance schedule as prescribed in the body to the AD, unless already accomplished.

ADDRESSES: The applicable service information and copies may be obtained from British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041 or may also be examined at the address shown below.

Send comments on this proposal to: FAA Northwest Mountain Region, Office of the Regional Counsel, Attn:

Airworthiness Rules Docket No. 82–NM–49–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT:
Mr. Harold N. Watiez, Foreign Aircraft Certification Branch, ANM–150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2530. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C68966, Seattle, Washington, 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82–NM–49–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington, 98168.

Discussion

The British Aerospace Corporation has, in accordance with existing provisions of a bilateral agreement, notified the FAA of a discrepancy in the compliance time for modification in accordance with Mandatory Service Bulletin 53–46R–(2402) which is required by AD 77–13–09. The service bulletin requires compliance with the modification to the front pressure bulkhead and windshield post within 6,600 landings or upon the airplane reaching 10 years of age, whichever occurs first, on BH/DH–125 airplanes. The AD requires compliance within 25 landings after the effective date of the AD or prior to accumulating 6,600 total landings, whichever occurs later. Since the failures are a result of corrosion propagation, the safety achieved by the modification is lost if a calendar time is not also included.

Since these conditions are likely to exist or develop on airplanes of this type design registered in the United States, an AD is proposed that would amend AD 77–13–09 to require compliance within 100 landings for all airplanes that have either accumulated 6,600 total landings or are ten years old.

It is estimated that 300 airplanes may be affected by this amendment, that it will take approximately 180 man-hours per airplane to accomplish the required actions, and that the average labor cost will be $30 per man-hour. Repair parts are estimated at $2,400 per airplane. Based on these figures, the total cost impact of this AD is estimated to be 2.34 million dollars if none of the airplanes have been modified. It is believed that most operators have complied with AD 77–13–09 because most airplanes will have accumulated more than 6,600 landings. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending AD 77–13–09, Amendment 39–2934 (42 FR 31768), by revising the first paragraphs of items (a) and (b) to read as follows:

a. "For the following listed airplanes, prior to the accumulation of 6,600 total landings or upon reaching 10 years after the date of manufacture of the airplane, whichever occurs first, incorporate Hawker Siddeley modification 252402 in accordance with Section 2, Accomplishment Instructions of Hawker Siddeley Aviation, Ltd., Service Bulletin 33–46 (2402), dated June 30, 1975, or an FAA equivalent. Airplanes which have already exceeded 6,600 landings or are over 10 years from date of manufacture must be modified within the next 100 landings or 90 days, whichever occurs first.

b. "For the following listed airplanes, prior to the accumulation of 6,600 total landings or upon reaching 10 years after the date of manufacture of the airplane, whichever occurs first, comply with paragraph (c) or (d) of this AD as applicable. Airplanes which have already exceeded 6,600 landings or are over 10 years from date of manufacture must be modified within the next 100 landings or 90 days, whichever occurs first.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble: The FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities, because it involves few, if any, small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington, on September 20, 1982.

Leroy A. Keith,

Acting Director, Northwest Mountain Region.

[FR Doc. 82–26295 Filed 9–24–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 82–NM–68–AD]

Gates Learjet Model 35, 36, 35A, and 36A Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new Airworthiness Directive (AD), applicable to Learjet Models 35, 36, 35A, and 36A airplanes. This AD would require installation of a trim-in-motion warning, redesigned pitch axis master interrupt, improved takeoff out of trim warning system, modified Mach trim

system, modified stick pusher system, and modified overspeed warning system. Additionally, the proposal adds Airplane Flight Manual (AFM) procedures for the above changes. The AD is needed to provide the Learjet Model 30 series with a modified flight control system which will minimize the potential for hazardous flight conditions that may occur in the event of a pitch trim runaway, a mistrimmed takeoff, a stick pusher failure, or an elevator hardover.

DATE: Comments must be received on/or before November 15, 1982.

ADDRESSES: The applicable service information may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277.

Send comments on this proposal to: FAA Northwest Mountain Region, Office of the Regional Counsel, Attn: Airworthiness Rules Docket No. 82–NM–68–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Ben Sorensen, Aerospace Engineer, Wichita Aircraft Certification Office, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 269–7012.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the AD Docket Number and be submitted in duplicate to the address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before action is taken on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82–NM–68–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

Data compiles during an indepth certification review by the Federal Aviation Administration and Gates Learjet Corporation revealed several areas in which certain system failures could cause potentially unsafe flight conditions. The review was instigated as a result of several Learjet accident investigations that indicated that failure of airplane systems may have been a contributing factor. As a result of the review, significant design changes were required for the Learjet Model 25 series airplanes.

The FAA extended their certification review to include the Model 35/36 series airplanes because of the aerodynamic and system similarities to the Model 25 series. During the Model 35/36 series review it was concluded that the malfunction of certain pitch axis control systems in the airplane could cause potentially unsafe flight conditions similar to those conditions noted on the Model 25 series airplane. The Model 35/36 series systems in question are the pitch trim, stick pusher, stick puller/Mach overspeed warning, pitch axis interrupt, Mach trim, and the takeoff out of trim warning.

The requirements presented in this proposed AD are based on an FAA certification review of the Model 35/36 series airplanes and are related to the following unsafe conditions:

A. The secondary pitch trim system may fail in a manner which could cause a trim runaway that is not detected until control forces required to override become unmanageable. Changes are being proposed that will:

1. Increase secondary trim system reliability,

2. Decrease recognition time in case of a runaway, and

3. Assure interruption of trim motion when the interrupt switch is actuated.

B. An undetected or latent failure in the stall prevention system may result in an 80 pound push on the control wheel. A "g" limiter system is being proposed to provide additional protection in the event of a pitch actuator hardover.

C. A single undetectable failure can cause loss of the stick puller and the aural overspeed warning system. The proposed modification will provide a preflight test to detect this failure.

D. Earlier Model 35/36 airplanes are equipped with a takeoff out-of-trim warning system design that results in the takeoff out-of-trim warning cockpit annunciation to be illuminated during a normal takeoff. The system was redesigned and incorporated into production. Learjet Modification Kit "Takeoff-Out-Of-Trim" changes the system to be the same as current production airplanes.

E. A single failure in the Mach trim system can result in an unacceptable hazardous flight maneuver. Learjet Service Bulletin SB 35/36–22–4C, "Mach Trim System," eliminates this failure possibility.

Since these conditions are likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being proposed which requires modification of Learjet Model 35/36 series airplanes to minimize the potential for hazardous flight conditions.

Aproximately 300 airplanes will be affected by this AD. It will take approximately 300 manhours per airplane to accomplish the required actions, and the average labor cost will be $30 per man-hour. Repair parts are estimated at $6,000 per airplane. The loss associated with one week of down time is estimated to be $3,500. Based on these figures, the total cost impact of this AD is estimated to be $5,550,000. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Gates Learjet: Applies to Gates Learjet models 35/35A, Serial Numbers 001 thru 506, and models 36/36A, Serial Numbers 001 thru 053, certificated in all categories. Compliance required within 18 months after the effective date of this AD, as indicated, unless previously accomplished.

A. Modify Learjet Models 35, 36, 35A, and 36A airplane flight control systems and control wheels in accordance with the following Gates Learjet Modification Kits (kits are being developed): Pitch Axis Interrupt, Trim-in-Motion, Stall Prevention (Stick Pusher) "g" Limiter, Overspeed Warning System Test, Mach Trim System and Takeoff-Out-Of-Trim Warning.

B. Insert in the appropriate sections of the existing Airplane Flight Manual (AFM) the FAA approved temporary Airplane Flight Manual Changes pertaining to procedures required as a result of the modification of the flight control system in accordance with Airplane Modification Kit. Upon completion of the modifications required by paragraph "A" of this AD and the insertion of the temporary AFM changes or equivalent permanent AFM revision, the identified, more

restrictive paragraphs of AD 80-19-11 set forth inTable II below are no longer applicable and may be removed.

TABLE II

Learjet model	AFM change date	Paragraph of AD 80-19-11 superseded
35, 36	(To be determined)	A/2, A/5, A/6.
35A, 36A	(To be determined)	A/2, A/5, A/6.

C. Prior to accomplishing the modification required by paragraph "A" of this AD, contact the FAA office noted in paragraph "E" of this AD if any other modification or alteration has been performed on the affected airplane for further instruction relative to the compatibility of these modifications and this AD.

D. Airplanes may be flown in accordance with FAR 21.197 to a location where modifications required by this AD can be accomplished.

E. An equivalent method of compliance with this AD must be approved by the Manager, Wichita Aircraft Certification Office, FAA Central Region, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble: the FAA has determined that this document (1) involves a proposed regulation which is not significant under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington, on September 15, 1982.

Leroy A. Keith,

Acting Director, Northwest Mountain Region.

[FR Doc. 62-26297 Filed 9-24-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-69-AD]

Sundstrand Data Control Cockpit Voice Recorder Models AV-557A, AV-557B, and AV-557C; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: Sundstrand Data Control, Inc., Model AV-557A, AV-557B, and AV-557C Cockpit Voice Recorders (CVR) installed in transport-category airplanes may have intermittent operation, erroneous self-test indications, and/or sensor or tape-off-reel failures. These anomalies have been attributed to the wrong type of connector sockets used in the CVR tape deck housing. The failure of the CVR may result in loss of data necessary to determine the probable cause of an accident, and possibly prevent future accidents.

The proposed rule would require an inspection and replacement of, if necessary, the tape deck housing connector of all Models AV-557A, AV-557B, and AV-557C Cockpit Voice Recorders.

DATE: Comments must be received on or before November 29, 1982.

ADDRESSES: The applicable service information may be obtained from: Sunstrand Data Control, Inc., Overlake Industrial Park, Redmond, Washington 98052. This information may also be examined at the FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; or 9010 East Marginal Way South, Seattle, Washington. Send comments on this proposal to: FAA Northwest Mountain Region, Office of the Regional Counsel, Attn: Airworthiness Rules Docket No. 82-NM-69-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Mr. Ted T. Ebina, Systems & Equipment Branch, ANM-130S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available both before and after the closing date for comments in the rules docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the rules docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Directive Rules Docket, Docket No. 82-NM-69-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion: The FAA has been advised by Sundstrand Data Control, Inc., that some CVR's were manufactured with connectors containing split-ring, rather that full-ring sockets. The use of split type socket connectors does not ensure proper engagement of the mating interface to ensure consistent operation of cockpit voice recorders. Sundstrand Data Control, Inc., has issued Service Bulletin No. 012-0296-109, "Communications—Cockpit Voice Recorders/Models AV-557A, AV-557B, and AV-557C/Tape Deck Housing Connector Check," recommending that owners inspect the CVR's to determine the type of connector sockets used and contact the factory for replacement of any split type connectors with full-ring socket connectors. The split type connectors had been inadvertently introduced at the factory in approximately 580 CVR's and cannot be traced by examining equipment serial numbers. Inspection of the affected CVR models is the only method of determining if the correct tape deck housing full ring socket connectors are installed to ensure proper engagement of the mated parts.

Minor misalignment of the ring connector interfaces may occur with the split ring connector which could significantly affect the proper operation of CVR's by giving intermittent operation, erroneous self test indication, and sensor/tape-off-reel failure. An AD is proposed that would require an inspection of the tape deck housing connectors and replacement of split-ring socket connectors to assure that undetected failures of the CVR will not result in loss of data necessary for accident investigation.

It is estimated that 580 cockpit voice recorders will be affected by this AD and that it will take approximately ½ man-hour to identify the type of tape deck housing connector sockets used. Replacement of connectors will be accomplished at the factory at no charge until January 2, 1984. Based on these figures, the maximum cost of this AD to operators is estimated to be $14,500. For

these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Sundstrand Data Control, Inc.: Applies to Sundstrand Model AV-557A, AV-557B, and AV-557C Cockpit Voice Recorders (CVR) installed in any model aircraft. Within the next 2,000 hours time-in-service after the effective date of this AD, unless already accomplished, inspect the CVR tape deck housing connector socket and replace, if required, in accordance with Sundstrand Service Bulletin 012-0296-109, dated January 25, 1982.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affecterd by this proposal who have not already received this document may obtain copies upon request to Sundstrand Data Control, Inc., Overlake Industrial Park, Redmond, Washington 98052. This document may also be examined at the FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington, on September 15, 1982.

Leroy A. Keith,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-26296 Filed 9-24-82; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[IC-12675; File No. S7-943]

Exchange Offers by Certain Registered Separate Accounts or Others the Terms of Which Do Not Require Prior Commission Approval

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule and related technical rule amendments.

SUMMARY: The Commission is publishing for comment a proposed rule under the Investment Company Act of 1940 that would permit any registered insurance company separate account or any principal under-writer therefor, subject to certain conditions, to make an exchange offer to the securityholders of certain registered separate accounts without the terms of that offer having first been submitted to and approved by the Commission. The proposed rule is intended to codify the standards that the Commission has developed with respect to applications seeking Commission approval of the terms of certain exchange offers and, if adopted, will eliminate the need for separate accounts to file individual applications with respect to such exchange offers.

DATE: Comments must be received by November 22, 1982.

ADDRESSES: Send comments, in triplicate, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comments should refer to File No. S7-943 and will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lemke, Acting Special Counsel (202-272-2061), or Mary K. Crook, Attorney (202-272-3010), Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today is publishing for comment proposed rule 11a-2 under the Investment Company Act of 1940 [15 U.S.C. 80a-1 *et seq.*] ("Act"), relating to certain offers of exchange made by registered insurance company separate accounts or principal underwriters therefor (collectively sometimes referred to as "separate accounts") the terms of which are required by section 11 of the Act [15 U.S.C. 80a-11] first to be submitted to and approved by the Commission. The proposed rule would permit any separate account or any principal underwriter for such account (collectively the "offering account") to make an offer to a securityholder of that account or of other separate accounts having the same insurance company depositor or sponsor as the offering account to exchange his security for a security of the offering account without the terms of that offer having first been submitted to or approved by the Commission, subject to certain conditions described below. The Commission is also proposing related technical amendments to rule 0-1(e) [17 CFR 270.0-1(e)] of its General Rules and Regulations under the Act.

Background and Discussion

Section 11(a) of the Act [15 U.S.C. 80a-11(a)] makes it unlawful for any registered open-end investment company or any principal underwriter therefor to make an offer to the holder of a security of that company or any other open-end company to exchange his security for a security of the same or another such company "on any basis other than the relative net asset values of the respective securities to be exchanged * * *," unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with Commission rules in effect at the time the exchange offer is made. Section 11(c) of the Act [15 U.S.C. 80a-11(c)] provides, as relevant here, that the provisions of subsection 11(a) shall be applicable, irrespective of the basis of the exchange, to exchange offers involving a security of a registered unit investment trust.[1] As a registered investment company, any registered insurance company separate account[2] that makes an offer of

[1] Section 11(c) of the Act provides:

The provisions of subsection (a) shall be applicable, irrespective of the basis of exchange, (1) to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust or registered face-amount certificate company; and (2) to any type of offer of exchange of the securities of registered unit investment trusts or registered face-amount certificate companies for the securities of any other investment company.

[2] A "separate account" is defined in section 2(a)(37) of the Act [15 U.S.C. 80a-2(a)(37)] as an account established and maintained by an insurance company pursuant to the laws of any state or governmental entity of the United States or Canada, under which income, gains or losses, whether or not realized, from the assets of such account are charged against such account without regard to other income, gains, or losses of the insurance company. A substantially identical definition of "separate account," as that term is used in various rules under the Act, is contained in

exchange to its securityholders or to securityholders of other registered investment companies must, of course, comply with the requirements of section 11 of the Act and, where necessary, obtain Commission approval of the terms of the exchange offer.

The legislative history of section 11 indicates that the purpose of that provision is to provide the Commission with an opportunity to examine the terms of certain exchange offers, and in particular any fees or charges imposed in connection therewith, to insure that the exchange offer is not being made primarily or solely "for the purpose of exacting additional selling charges" [3] from investors "for which they [receive] nothing but the privilege of making successive investments." [4]

A substantial number of applications for Commission approval of the terms of exchange offers pursuant to section 11 involve offers made by offering accounts to their securityholders or to securityholders of different separate accounts having the same insurance company depositors or sponsors as the offering accounts to exchange their securities for securities of the offering account. This type of exchange offer may take a variety of forms, depending upon the classification under the Act of the separate accounts involved.[5] Irrespective of the form, however, such offers generally raise similar issues of law and fact.

Applicants typically justify their requests for approval on the grounds that the exchange offers are in the best interests of securityholders and are not contrary to the legislative intent of section 11. Applicants assert that Commission approval will benefit securityholders by allowing applicants to offer securityholders the opportunity to change their contracts or the funding medium of their contracts when, in the opinion of securityholders, such a change is warranted by their changing investment objectives or by economic, market, or tax considerations. Applicants further assert that the exchange offers are consistent with section 11 because they are not being made solely or primarily for the purpose of "churning" a securityholder's investment, but rather are intended to, and in fact will, provide a substantial benefit to securityholders.

It has been the Commission's experience that such applications have demonstrated that the terms of the exchange offers generally are consistent with the legislative intent of section 11. Accordingly, Commission approval generally has been granted, provided that the offering account includes certain conditions in the offer which the Commission's judgment and experience have shown to be necessary and appropriate to insure that the abuses that Congress intended to be eliminated by section 11 will not occur.

In recognition of these circumstances, and in light of the Commission's rulemaking authority under section 11(a), the Commission is proposing rule 11a–2, which generally would codify the standards that the Commission has developed with respect to applications seeking Commission approval of the terms of the exchange offers herein described.[6] This rule, if adopted, should benefit securityholders by eliminating the unnecessary expenses and delays incurred by separate accounts in connection with obtaining individual orders of the Commission approving the terms of certain typical exchange offers and should significantly reduce the number of applications presently required to be processed by the Commission, thereby permitting the Commission to allocate its resources to other matters. A discussion of the proposed rule is set forth below.

Proposed Rule and Related Technical Amendments

Paragraph (b) of proposed rule 11a–2 provides that notwithstanding section 11 of the Act, any offering account may make an offer to the holder of a security of that account or of other separate accounts [7] having the same insurance company depositor or sponsor as the offering account [8] to exchange his security (termed the "exchanged security" in the proposed rule) [9] for a security of the offering account (termed the "acquired security" in the proposed rule), without the terms of that offer having first been submitted to and approved by the Commission, provided that two conditions are satisfied.

The first condition is prescribed by paragraph (b)(1), and provides that the exchange offer must be made on the basis of the relative net asset values of the securities to be exchanged, except that the offering account may deduct at the time of the exchange two amounts. Paragraph (b)(1)(i)(A) provides that the offering account may deduct an administrative charge that is reasonable in relation to the actual administrative costs incurred in effecting the exchange. Administrative costs could include, for example, costs incurred by the offering account for bookkeeping services, printing costs other than for the printing of prospectuses, postage, and similar costs incurred by contract salespersons.[10] Administrative costs

rule 0–1(e) under the Act [17 CFR 270.0–1(e)]. A separate account may be registered under the Act as an open-end management company ("management account") or as a unit investment trust ("trust account").

[3] S. Rep. No. 1775, 76th Cong., 3d Sess. 7–8 (1940). *See* H.R. Rep. No. 2639, 76th Cong., 3d Sess. 8 (1940); *Hearings on H.R. 10065 Before a Subcomm. of the House Comm. on Interstate and Foreign Commerce*, 76th Cong., 3d Sess. 111 (June 13, 14, 1940). *See generally Investment Trusts and Investment Companies: Hearings on S. 3580 Before a Subcomm. of the Senate Comm. on Banking and Currency*, 76th Cong., 3d Sess. Part 2 951–957 (April 12, 15, 16, 17, 18, 19, 22, 23, 24, 25 and 26, 1940) (hereinafter "Hearings on S. 3580").

[4] Hearings on S. 3580, *supra* note 3, at 957.

[5] For example, an exchange offer may be made to a securityholder of a management account to exchange his security, funded by a particular portfolio of the separate account, for a security funded by a different portfolio of that account, for a different security funded by the same portfolio of that account, or for a security of a different management or trust account having the same insurance company depositor or sponsor as the offering account. Similarly, an offer may be made to a securityholder of a trust account to exchange his security, funded by a particular portfolio company of the trust account, for a security funded by a different portfolio company of that account, for a different security funded by the same portfolio company of that account, or for a security of a different management or trust account having the same insurance company depositor or sponsor as the offering account.

[6] Proposed rule 11a–2 is the first of several rules which the Commission expects to propose codifying existing Commission practices with respect to certain types of applications filed by separate accounts for exemptive and other relief under the Act.

[7] As noted *supra*, rule 0–1(e) of the General Rules and Regulations under the Act defines the term "separate account," as used in those rules, and sets forth conditions to the availability of exemptive relief for a separate account pursuant to those rules. The Commission is proposing to amend paragraphs (e) and (e)(2) of rule 0–1(e) to include rule 11a–2 as one of the rules listed therein.

[8] The Commission specifically requests comments on whether it is necessary or appropriate to expand the availability of the exemptive relief provided by the proposed rule to permit separate accounts having different insurance company sponsors or depositors to make exchange offers without Commission approval of the terms of those offers provided that the insurance companies have a common parent company.

[9] Paragraph (a)(2) of the proposed rule defines the term "exchanged security" to include not only the security or securities acutally exchanged in the exchange offer but also any security or securities previously exchanged for the exchanged security or its predecessors. This definition is intended to make clear that the relief afforded by the proposed rule would be available to exchange offers involving an exchanged security that itself was the result of one or more exchange offers, provided that the requirements of the proposed rule are satisfied, but that in such a situation the provisions of the rule limiting the amount and method of calculation of a sales load would be applied cumulatively.

[10] Of course, if a separate account proposing to make an exchange offer reasonably anticipates that it will incur significant brokerage expenses directly attributable to the exchange, it may consider these costs in determining the level of its administrative charge.

would not include commissions paid to salespersons. In this regard, the Commission wishes to emphasize that in its view the payment of commissions to salespersons as an incentive to solicit security holders to exchange their securities is inconsistent with the legislative intent of section 11. Paragraph (b)(1)(i)(B) requires that the administrative charge must be disclosed in Part I of the offering account's Registration Statement under the Securities Act of 1933 [15 U.S.C. 77a *et seq.*].[11]

Paragraph (b)(1)(ii) provides that the offering account also may deduct at the time of the exchange any front-end sales load [12] permitted by paragraph (c) of the proposed rule. Paragraph (c) prescribes two requirements in this regard. Paragraph (c)(1) provides that this sales load shall be a percentage that is no greater than the difference between the rate of any front-end sales load otherwise applicable to that security and the rate of any front-end sales load previously paid on the exchanged security. This condition reflects the terms of Commission orders in this area and is intended to insure that a securityholder who exchanges his security is credited for any front-end sales load previously paid on the security.[13] Paragraph (c)(2), which also reflects Commission orders in this area, provides that the total sales load paid on both the acquired and exchanged security shall not exceed 9 percent of the sum of the purchase payments made for the acquired security [14] and the exchanged security. This condition, which is analogous to the requirement of section 27(a)(1) of the Act [15 U.S.C. 80a–27(a)(1)] [15] that any sales load imposed on a periodic payment plan certificate not exceed 9 percent of total purchase payments to be made thereon, also reflects the terms of Commission orders in this area.

The second condition imposed by proposed rule 11a–2 is prescribed by paragraph (b)(2), which provides that if the offering account imposes a contingent deferred sales load [16] on the acquired security, then this sales load shall be calculated in the manner prescribed by paragraphs (d) or (e) of the proposed rule, depending upon whether the exchanged security was subject to a contingent deferred sales load [17] or a front-end sales load was paid on that security.

If the exchanged security was subject to a contingent deferred sales load, paragraph (d) imposes two requirements with respect to the method of computation and the amount of any contingent deferred sales load that the offering account may impose on an acquired security. First, paragraph (d)(1) requires the "tacking" of time for the purpose of calculating the amount of any contingent deferred sales load, *i.e.*, the sales load must be calculated both as if the holder of the acquired security had been a holder of that security from the date on which he became the holder of the exchanged security and as if purchase payments made for the exchanged security had been made for the acquired security on the date on which they were made for the exchanged security. These conditions reflect Commission orders in this area and, similar to paragraph (c)(1), are intended to insure that any securityholder who exchanges his security is credited, for purposes of the computation of any contingent deferred sales load, for the length of time that he held the exchanged security. Second, paragraph (d)(2), which is similar in theory to paragraph (c)(2), provides that any contingent deferred sales load imposed on an acquired security shall not exceed 9 percent of the sum of the purchase payments made for the acquired security and the exchanged security.

If a front-end sales load was paid on the exchanged security, then paragraph

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[11] Paragraph (b)(1) would not provide the offering account with exemptive relief from sections 26(a)(2)(C) [15 U.S.C. 80a–26(a)(2)(C)] and 27(c)(2) [15 U.S.C. 80a–27(c)(2)] of the Act for deduction of an administrative charge. Section 26(a)(2)(C) of the Act provides generally that no principal underwriter or depositor for a trust account shall sell any security of which such trust is the issuer unless the instrument pursuant to which that security is issued provides that no payment to the depositor of or principal underwriter for such trust shall be allowed the trustee as an expense, except that provision may be made for the payment to such person of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services. This provision is made applicable to management accounts issuing periodic payment plan certificates by section 27(c)(2) of the Act, and it has been the Commission's position that if payment for a security of a separate account is permitted to be made with more than one purchase payment, the security is a periodic payment plan certificate subject to section 27 of the Act. In most cases, however, such exemptive relief would not be necessary because the offering account would have previously obtained an exemptive order permitting the deduction of this charge in connection with exchanges.

[12] Paragraphs (a)(3) and (a)(1) define, respectively, the terms "front-end sales load" and "contingent deferred sales load." For purposes of the proposed rule, a front-end sales load is a sales load that is deducted from a purchase payment before it is invested in a separate account while a contingent deferred sales load is a sales load that is deducted at the time all or a portion of the amount representing a securityholder's interest in a separate account is redeemed or annuitized (*see* note 16 *infra*).

[13] Thus, for example, if a front-end sales load of 9 percent is to be imposed on the acquired security, and a front-end sales load of 6 percent was paid previously on the exchanged security, then the maximum front-end sales load that could be imposed on the acquired security in reliance on the proposed rule would be 3 percent.

Assuming the facts above except that the exchanged security itself was the result of more than one exchange offer and that a cumulative front-end sales load equal to 7 percent of total purchase payments had been paid on the exchanged security and its predecessors, then the maximum front-end sales load that would be imposed on the acquired security in reliance on the proposed rule would be 2 percent.

On the other hand, if a front-end sales load of 6% is to be imposed on the acquired security, and a front-end sales load of 9% was paid previously on the exchanged security, then no sales load may be imposed on the acquired security.

[14] Paragraph (a)(4) of the proposed rule provides that the phrase "purchase payments made for the acquired security," as used in subparagraphs (c)(2) and (d)(2), shall not include any purchase payments made for the exchanged security or appreciation attributable to those purchase payments transferred to the offering account in connection with the exchange. This provision is intended to insure that purchase payments made for the exchanged security are not, for purposes of the 9 percent limitation of paragraphs (c)(2) and (d)(2) of the proposed rule, considered both as purchase payments made for the exchanged security and as a purchase payment made for the acquired security, and that any appreciation attributable to purchase payments made for the exchanged security is not, for purposes of paragraphs (c)(2) and (d)(2), considered to be a purchase payment made for the acquired security. The phrase "appreciation attributable" to purchase payments made for the exchanged security, as used in paragraph (a)(4), is intended to include any amounts credited to a securityholder's interest in a separate account as a result of the income, gains, or both of that account.

[15] Section 27(a)(1) of the Act provides that:

It shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter for such company, to sell any such certificate, if—

(1) The sales load on such certificate exceeds 9 per centum of the total payments to be made thereon * * *.

As discussed in note 11 *supra*, section 27 of the Act is applicable to separate accounts issuing periodic payment plan certificates.

[16] A "contingent deferred sales load," as that term is commonly used, is generally understood to be a deferred sales load the imposition of which is contingent either upon redemption of all or a portion or the amount representing a securityholder's interest in a separate account or, in certain cases, upon annuitization of that amount prior to a specified period of time such as, for example, within five years of the date of purchase. The definition of "contingent deferred sales load" included in paragraph (a)(1) of the proposed rule is broader than this common understanding, however, in that this definition also includes any "deferred sales load." A deferred sales load is a sales load that is deferred until all or a portion of the amount representing a securityholder's interest in a separate account is redeemed or annuitized, but its imposition is not subject to any contingency.

[17] Consistent with exemptive orders previously issued under section 11, the proposed rule does not permit a contingent deferred sales load to be imposed upon the redemption of the exchanged security in connection with the exchange offer.

(e) provides that any contingent deferred sales load imposed on the acquired security may not be imposed on purchase payments made for the exchanged security or appreciation attributable to purchase payments made for the exchanged security that are transferred in connection with the exchange. This paragraph is intended to insure that purchase payments made for the exchanged security for which a front-end sales load was paid, and appreciation attributable to those purchase payments, will not subsequently be subject to a contingent deferred sales load by the offering account.

Finally, paragraph (f) expressly excludes from reliance on the proposed rule any exchange offer which involves an exchanged or acquired security upon which both front-end sales load and a contingent deferred sales load are imposed or are to be imposed. While this type of security has been registered, the Commission has not yet had sufficient experience through the application procedure to determine, by rule, appropriate standards for exchange offers involving it.[18]

List of Subject in 17 CFR Part 270

Investment companies, Reporting requirements, Securities.

Text of Proposed Amendments to Rule 0-1(e) and Proposed Rule 11a-2

PART 270-GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended as follows:

1. By revising paragraphs (e) and (e)(2) of § 270.0-1 to read as follows:

§ 270.0-1 Definition of terms used in this part.

* * * * *

(e) Definition of separate account and conditions for availability of exemptions under §§ 270.6c-6, 270.11a-2, 270.14a-2, 270.15a-3, 270.16a-1, 270.22d-3, 270.22e-1, 270.27a-1, 270.27a-2, 270.27a-3, 270.27c-1, and 270.32a-2 of this chapter.

* * * * *

(2) As conditions to the availability of exemptive Rules 6c-6, 11a-2, 14a-2, 15a-3, 16a-1, 22d-3, 22e-1, 27a-1, 27a-2, 27a-3, 27c-1, and 32a-2, the separate account shall be legally segregated, the assets of the separate account shall, at the time during the year that adjustments in the resrves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and at all other times, shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets having a value equal to, or approximately equal to, such reserves and contract liabilities shall not be chargeable with liabilities arising out of any other business which the insurance company may conduct.

2. By adding § 270.11a-2 to read as follows:

§ 270.11a-2 Offers of exchange by certain registered separate accounts or others the terms of which do not require prior Commission approval.

(a) As used in this section:

(1) "Contingent deferred sales load" shall mean any sales load, including a deferred sales load, that is deducted upon redemption or annuitization of amounts representing all or a portion of a securityholder's interest in a separate account;

(2) "Exchanged security" shall include not only the security or securities of a securityholder actually exchanged in an exchange offer but also any security or securities of the securityholder previously exchanged for the exchanged security or its predecessors;

(3) "Front-end sales load" shall mean any sales load that is deducted from one or more purchase payments made by a securityholder before they are invested in a separate account; and

(4) "Purchase payments made for the acquired security," as used in paragraphs (c)(2) and (d)(2) of this section, shall not include any purchase payments made for the exchanged security or any appreciation attributable to those purchase payments that are transferred to the offering account in connection with an exchange.

(b) Notwithstanding section 11 of the Act [15 U.S.C. 80a-11], any registered separate account or any principal underwriter for such an account (collectively the "offering account") may make or cause to be made an offer to the holder of a security of the offering account or of any other registered separate account having the same insurance company depositor or sponsor as the offering account to exchange his security (the "exchanged security") for a security of the offering account (the "acquired security") without the terms of such exchange offer having first been submitted to and approved by the Commission, *Provided*, That

(1) The exchange is made on the basis of the relative net asset values of the securities to be exchanged, except that the offering account may deduct at the time of the exchange

(i) An administrative charge that

(A) Is reasonable in relation to the administrative costs incurred in connection with the exchange and

(B) Is disclosed in Part I of the offering account's Registration Statement under the Securities Act of 1933, and

(ii) Any front-end sales load permitted by paragraph (c) of this section, and

(2) If the offering account imposes a contingent deferred sales load on the acquired security, then this sales load, if imposed, shall be calculated in the manner prescribed by paragraph (d) or (e) of this section.

(c) If the offering account imposes a front-end sales load on the acquired security, then such sales load

(1) Shall be a percentage that is no greater than the difference between the rate of the front-end sales load otherwise applicable to that security and the rate of any front-end sales load previously paid on the exchanged security, and

(2) Shall not exceed 9 percent of the sum of the purchase payments made for the acquired security and the exchanged security.

(d) If the offering account imposes a contingent deferred sales load on the acquired security and the exchanged security also was subject to a contingent deferred sales load, then any contingent deferred sales load imposed on the acquired security

(1) Shall be calculated as if

(i) The holder of the acquired security had been the holder of that security from the date on which he became the holder of the exchanged security and

(ii) Purchase payments made for the exchanged security had been made for the acquired security on the date on which they were made for the exchanged security, and

(2) Shall not exceed 9 percent of the sum of the purchase payments made for the acquired security and the exchanged security.

(e) If the offering account imposes a contingent deferred sales load on the acquired security and a front-end sales load was paid on the exchanged security, then any contingent deferred sales load imposed on the acquired security may not be imposed on purchase payments made for the exchanged security or any appreciation attributable to purchase payments made for the exchanged security that are transferred in connection with the exchange.

[18] The Commission specifically requests comments on whether it is necessary or appropriate to include within the proposed rule securities that are subject to a front-end and a contingent deferred sales load, and, if so, what limitations on the amount and method of calculation of sales loads should be applied to exchange offers involving such securities.

(f) Notwithstanding the foregoing, no offer of exchange shall be made in reliance on this section if both a front-end sales load and a contingent deferred sales load are to be imposed on the acquired security or if both such sales loads are imposed on the exchanged security.

Paperwork Reduction Act

The information collection required by the rule has been submitted to the Office of Management and Budget for clearance.

Statutory Authority

The Commission proposes rule 11a–2 pursuant to the provisions of sections 11(a) [15 U.S.C. 80a–11(a)] and 38(a) [15 U.S.C. 80a–37(a)] of the Act. The Commission proposes related technical amendments to rule 0–1(e) [17 CFR 270.0–1(e)] pursuant to the provisions of section 38(a) [15 U.S.C. 80a–37(a)] of the Act.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that rule 11a–2, if adopted, will not have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

Dated: September 20, 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that proposed rule 11a–2 under the Investment Company Act of 1940 ("Act"), if adopted, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that there are few, if any, registered insurance company separate accounts that qualify as "small entities," as that term has been defined in the Commission's rules. Moreover, the reduction in costs to such separate accounts, if any, resulting from the proposed rule's elimination of their need to file exemptive applications seeking Commission approval of the terms of certain routine exchange offers will not have a significant economic impact on any such separate accounts.

Dated: September 20, 1982.

John S. R. Shad,

Chairman.

[FR Doc. 82–26467 Filed 9–24–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 886 and 901

Abandoned Mine Land Reclamation Program; Alabama

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Receipt of the Abandoned Mine Land Reclamation (AMLR) Grant Amendment from the State of Alabama.

SUMMARY: On July 27, 1982, the State of Alabama submitted to OSM its proposed Abandoned Mine Land Reclamation (AMLR) grant amendment to add six projects under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State grant amendment.

DATE: Written comments on the amendment must be received on or before 5:00 p.m., October 27, 1982.

ADDRESS: Copies of the full text of the proposed Alabama grant amendment are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Alabama Field Office, 228 West Valley Avenue, Room 302, Birmingham, Alabama 35209;
and
State of Alabama, Department of Industrial Relations, 649 Monroe Street, Montgomery, Alabama 36130.

Written comments should be sent to: Field Office Director, John T. Davis, Office of Surface Mining Reclamation and Enforcement, 228 West Valley Avenue, Room 302, Birmingham, Alabama, 35209.

FOR FURTHER INFORMATION CONTACT: Roger Wiedeburg, Program Specialist, Alabama Field Office, Telephone (205) 254–0953 or 4.

SUPPLEMENTARY INFORMATION: On July 27, 1982, OSM received an AMLR grant amendment from the State of Alabama. The purpose of this submission is to implement the State reclamation program as codified in 30 CFR, Chapter VII, Subchapter T, Part 901 as published in the **Federal Register** 47 FR 22060 on May 20, 1982.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes and AMLR program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State and Federal law.

Each State having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA may submit to the Secretary a State reclamation grant application to implement the provisions of the approved State Reclamation Plan.

However, grants for mine reclamation may be issued only to States with an approved Title V Regulatory Program and an approved State Reclamation Plan.

A State Reclamation Plan for Alabama was submitted to the Secretary on May 29, 1981 and approved on May 20, 1982 which demonstrated the capability of the State to administer an AMLR program in accordance with Title IV of SMCRA. In approving the State Plan, the Secretary determined that the State had the necessary State legislation to implement the provisions of the Plan.

This notice describes the nature of the proposed additional projects and sets forth information concerning public participation in the Director's determination of whether or not the submitted amendment should be approved.

Approval of the amendment would result in the implementation of the approved additional projects for the reclamation of abandoned mine lands in Alabama.

All written comments must be mailed or hand carried to the Field Office above.

The comment period will close at 5:00 p.m. on October 27, 1982. Comments received after that time may not necessarily be considered. During the comment period representatitives of the Field Office will be available to meet between 8:00 a.m. and 4:00 p.m. at the request of members of the public to receive their advice and recommendations concerning the proposed State AMLR amendment.

Persons wishing to meet with representatives of the Field Office during this time period may place such requests with John T. Davis, Field Office Director, telephone (205) 229–0953 at the Field Office above.

Meetings may be scheduled at the Field Office between 9 a.m. and noon

and 1 p.m. and 4 p.m. Monday through Friday excluding holidays.

OSM intends to continue to discuss the State's amendment with representatives of the State throughout the review process.

In order to comply with the requirements of the National Environmental Policy Act, OSM will assess the environmental effects of all State reclamation projects. The primary basis for this assessment will be the environmental information provided in the project grant amendment.

The Alabama AMLR grant amendment can be approved if:

1. The Director finds that the public has given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.
2. Views of other Federal agencies have been solicited and considered.
3. The amendment meets all the requirements of the OSM, AMLR program provisions and the required Federal circulars.
4. The State has an approved regulatory program and an approved State reclamation plan.

The following constitutes a summary of the contents of the amendment:

1. Designation of authorized State Agency to administer the program,
2. Objectives and need for the assistance,
3. Project ranking and selection,
4. Coordination with other reclamation programs,
5. Results and benefits expected,
6. Plan of action pertaining to the scope,
7. Monthly or quarterly projections of accomplishments to be achieved,
8. Kinds of data to be collected and maintained,
9. Criteria used to evaluate the results and success of the projects,
10. Key individuals to be employed,
11. Precise location of the project and area to be served,
12. Budgetary calculations for each project,
13. Description of the public's participation in planning and preparation of the grant application, and
14. A complete environmental assessment for each project.

Reclamation projects included in amendment, location, and description:

1. Title: Mineral Spring Project, Location: Jefferson County, Description: Abandoned mine portals, airshafts, subsidence-prone areas, dangerous highwall, hazardous mine related structures and associated problems;
2. Title: Sumter, South Project, Location: Jefferson County, Description: Dangerous highwalls, mine portals, abandoned coal loading facility and associated problems;
3. Title: Gurnee Project, Location: Shelby County, Description: Abandoned mine portals, airshaft, dangerous embankment and associated problems;
4. Title: Upper Bear Creek (Phase II) Project, Location: Franklin, Marion and Winston Counties, Description: Restoration of abandoned mine sites which are located in close proximity to the reservoir of potable water supply for the residents of the area;
5. Title: Texas Project, Location: Marion County, Description: Abandoned mine portals, airshafts, abandoned support facilities and other associated problems;
6. Title: Big Bridge Project, Location: Cullman County, Description: Highwalls and inadequately reclaimed surface-mined areas.

List of Subjects

30 CFR Part 886

Coal mining, Grant programs, Natural resources, Reporting requirements, Surface mining, Underground mining.

30 CFR Part 901

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: September 21, 1982.

William B. Schmidt,

Acting Director, Office of Surface Mining.

[FR Doc. 82-26519 Filed 9-24-82; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 934

Cancellation of Public Hearing on Modified Portions of the North Dakota Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Cancellation of public hearing.

SUMMARY: Because no one expressed an interest, OSM is announcing the cancellation of a public hearing on the adequacy of amendments to the North Dakota permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 submitted to OSM by the State for the Director's approval.

This notice cancels the public hearing but does not alter the time and location at which the North Dakota program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATE: The following hearing is cancelled: The public hearing on the proposed modifications to the North Dakota program, September 28, 1982.

ADDRESSES: Written comments should be mailed or hand-delivered to: Office of Surface Mining Reclamation and Enforcement, Wyoming Field Office, P.O. Box 1420, Mills, Wyoming 82644.

FOR FURTHER INFORMATION CONTACT: Mr. William Thomas, Director, Wyoming Field Office, Office of Surface Mining, P.O. Box 1420, Mills, Wyoming 82644. Telephone (307) 328-5830.

SUPPLEMENTARY INFORMATION: On September 10, 1982, notice of oppportunity for a public hearing on the proposed modifications to the North Dakota program was published in the **Federal Register** (47 FR 39868). The proposed modifications were submitted to OSM by North Dakota for the Secretary's approval. Some of the proposed changes are intended to satisfy conditions of the Secretary's approval of the North Dakota program.

The notice stated that any person interested in making an oral or written presentation should contact Mr. William Thomas by September 21, 1982, and that if no person contacted Mr. Thomas to express an interest in participating in the hearing by the above date, the hearing would be cancelled. Because no one expressed an interest in attending the hearing by September 21, 1982, the hearing has been cancelled.

While there is not public hearing, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4:00 p.m. on October 12, 1982, to be considered in the Secretary's decision on whether the proposed modifications satisfy the Secretary's conditions of approval and/or meet the standards for approval of State program amendments at 30 CFR Part 732.

Written comments should be mailed or hand-delivered to: Mr. William Thomas, Director, Wyoming Field Office, Office of Surface Mining Reclamation and Enforcement at the address listed above.

Dated: September 22, 1982.

Wm. B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 82-26500 Filed 9-24-82; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 950

Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: On April 15, 1982, the State of Wyoming submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On August 16, 1982, the State of Wyoming submitted revisions to its Plan. OSM is seeking public comment on the adequacy of the revised State Plan submission.

DATES: Written comments on the Plan must be received on or before 5:00 p.m., November 12, 1982. Written comments on whether OSM should hold a public hearing on the Plan must be received by 5:00 p.m., October 12, 1982. If requested, a public hearing will be held on October 15, 1982 at 1:30 p.m. and will continue until all discussions have been completed. The hearing may be cancelled, as discussed under Supplementary Information below.

ADDRESSES: The public hearing, if held, will be at Ramada Inn, at Interstate 25 and Center, Casper, Wyoming. The hearing may be cancelled, as discussed under Supplementary Information below. Copies of the full text of the proposed Wyoming Plan are available for review during regular business hours at the following locations:.

State of Wyoming, Land Quality Division, 401 West 19th Street, Cheyenne, Wyoming 80202

Office of Surface Mining Reclamation and Enforcement, Northwest Field Office, P.O. Box 1420, 935 Pendell Blvd., Mills, Wyoming 82644

Office of Surface Mining Reclamation and Enforcement, Administrative Record-Room 5315, 1100 "L" Street, N.W., Washington, D.C. 20240.

Written comments must be mailed or hand carried to: Office of Surface Mining Reclamation and Enforcement, Northwest Field Office, P.O. Box 1420, 935 Pendell Blvd., Mills, Wyoming 82644.

Comments received after 5:00 p.m., November 12, 1982 will not necessarily be considered or included in the administrative record for this rulemaking.

The administrative record will be available for public review at OSM's Northwest Field Office in Mills, Wyoming, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Ronald Bertram, Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, P.O. Box 1420, 935 Pendell Blvd., Mills, Wyoming 82644, Telephone: (307) 261–5776.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et. seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there in no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the approved program.

On April 15, 1982, OSM received a proposed Abandoned Mine Land Reclamation Plan from the State of Wyoming. On August 16, 1982 the State submitted revisions to its Plan. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Land Reclamation (AMLR) Program (30 CFR Chapter VII, Subchapter R) as amended in the **Federal Register** (FR) on June 30, 1982, 47 FR 28574–28604.

This notice describes the proposed program and sets forth information concerning public participation in the Assistant Secretary's determination of whether or not the submitted Plan may be approved. The public participation requirements for the consideration of a State Plan are found in 30 CFR 884.13 and 884.14 (47 FR 28600–28601 (1982)). Additional information may be found under corresponding sections of the preamble to OSM's AMLR Rules (47 FR 28587–28588 (1982)).

The receipt of the Wyoming Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Wyoming.

By submitting a proposed Plan, Wyoming has indicated that it wishes to be primarily responsible for this program. If the submission is approved by the Assistant Secretary for Energy and Minerals of the Department of the Interior, the State will have primary responsibility for the reclamation of abandoned mine lands in Wyoming.

All written comments must be mailed or hand carried to OSM's Northwest Field Office at the Mills, Wyoming address listed above under "Addresses." Written comments may be hand carried to the public hearing, if a public hearing is found to be necessary, and submitted as exhibits to the proceedings.

If OSM's Field Office Director finds that the State has given the public adequate notice and opportunity to comment in public hearings, and that the record of such hearings do not reflect major unresolved controversies and that there are not a significant number of requests during the 15-day period to comment on the need for a hearing, the hearing will be cancelled.

Written comments on the issue of waiver of the public hearing must be received by 5:00 p.m., October 12, 1982.

Representatives of OSM's Field Office Director will be available to meet Monday through Friday, excluding holidays, between 8:00 a.m. and 4:00 p.m. at OSM's office in Mills, Wyoming, indicated above under "Addresses", at the request of members of the public to receive their advice and recommendations concerning the proposed Wyoming Reclamation Plan and Program.

Persons wishing to meet with representatives of the Field Director's Office during this time period may place such request with Ronald Bertram, telephone (307) 261–5776.

The Department intends to continue to discuss the State's Plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local

government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Wyoming Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of the Interior Manual DM 5162.3(A)(1), the Assistant Secretary's decision on the Wyoming Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment (EA) or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an EA or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

The Wyoming Abandoned Mine Land Reclamation Plan can be approved if:

1. The Assistant Secretary finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the Plan.

4. The Plan meets all requirements of the OSM, AMLR Program Provisions.

5. The State has an approved Surface Mining Regulatory Program.

6. It is determined that the Plan is in compliance with all applicable State and Federal laws and regulations.

The Wyoming Division of Land Quality has been designated by the Governor of the State of Wyoming to implement and enforce the Abandoned Mine Land Reclamation Program in accordance with SMCRA. The Department has developed State regulations to carry out the State mandate. Contents of the State Plan submission include:

(a) A designation by the Governor of the State of the agency authorized to administer the State reclamation program and to receive and administer grants under 30 CFR Part 886.

(b) A legal opinion from the State Attorney General or the chief legal officer of the State agency that the designated agency has the authority under State law to conduct the program in accordance with the requirements of Title IV of the Act.

(c) A description of the policies and procedures to be followed by the designated agency in conducting the reclamation program, including—

(1) The purposes of the State reclamation program;

(2) The specific criteria, consistent with Section 403 of the Act for ranking and identifying projects to be funded;

(3) The coordination of reclamation work among the State reclamation program, the Rural Abandoned Mine Program administered by the Soil Conservation Service, the reclamation programs of any Indian tribes located within the States, and OSM's reclamation programs; and

(4) Policies and procedures regarding land acquisition, management and disposal under 30 CFR Part 879;

(5) Policies and procedures regarding reclamation on private land under 30 CFR Part 882;

(6) Policies and procedures regarding rights of entry under 30 CFR Part 877;

(7) Public participation and involvement in the preparation of the State reclamation plan and in the State reclamation program.

(d) A description of the administrative and management structure to be used in conducting the reclamation program, including—

(1) The organization of the designated agency and its relationship to other State organizations or officials that will participate in or augment the agency's reclamation capacity;

(2) The personnel staffing policies which will govern the assignment of personnel to the State reclamation program;

(3) The purchasing and procurement systems to be used by the agency. Such systems shall meet the requirements of Office of Management and Budget Circular A–102, Attachment O; and

(4) The accounting system to be used by the agency, including specific procedures for the operation of the State Abandoned Mine Reclamation Fund.

(e) A general description, derived from available data, of the reclamation activities to be conducted under the State reclamation plan, including the known or suspected eligible lands and waters within the State which require reclamation, including—

(1) A map showing the general location of known or suspected eligible lands and waters;

(2) A description of the problems occurring on these lands and waters; and

(3) How the plan proposes to address each of the problems occurring on these lands and waters.

(f) A general description, derived from available data, of the conditions prevailing in the different geographic areas of the State where reclamation is planned, including—

(1) The economic base;

(2) Significant esthetic, historic or cultural, and recreational values; and

(3) Endangered and threatened plant, fish, and wildlife and their habitat.

List of Subjects in 30 CFR Part 950

Coal mining, Intergovernmental regulations, Surface mining, Underground mining.

Dated: September 13, 1982.

Recommended:

J. R. Harris,

Director, Office of Surface Mining.

Dated: September 20, 1982.

Approved:

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

[FR Doc. 82–26504 Filed 9–24–82; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD–7–82–02]

Establishment of Special Anchorage Area in Biscayne Bay, Miami, FL

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City of Miami, FL, the Coast Guard is proposing to establish a Special Anchorage Area in Biscayne Bay offshore from Dinner Key. This Special Anchorage Area would demarcate the location of an area where the City intends to place permanent moorings, and it would relieve the operators of vessels moored in there of the requirement to display

appropriate lights and shapes while at anchor.

DATE: Comments must be submitted on or before October 27, 1982.

ADDRESSES: Comments should be mailed to Commander (m), Seventh Coast Guard District, 51 SW. First Avenue, Miami, FL 33130. The comments and other materials referenced in this notice will be available for inspection or copying at Room 1231, 51 SW. First Avenue, Miami, FL 33130. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Robert Buford, Commander (m), Seventh Coast Guard District, 51 SW. First Avenue, Miami, FL 33130, (305) 350–5651.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD–7–82–02), and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelop is enclosed.

This rule may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are Lieutenant Robert Buford, Project Officer, Marine Safety Division, Seventh Coast Guard District and Lieutenant Michael T. Harris, Project Attorney, Legal Officer, Seventh Coast Guard District.

Discussion of Proposed Rule

This Special Anchorage Area is being proposed by the Coast Guard in the interests of navigational safety to demarcate this anchorage area on navigational charts. Any vessel of not more than 65 feet in length may anchor within this area without displaying the light and shape for a vessel at anchor. This area will have permanent moorings placed in it by the City of Miami which, with or without any moored vessels, would be an obstruction to navigation. This area is part of a traditional anchoring ground offshore from the marina complex at Dinner Key. There is a channel marked by lights and daybeacons which passes adjacent to the proposed Special Anchorage Area which leads into Dinner Key from Biscayne Bay.

These proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplication, Analysis and Review of Regulations (DOT Order 2100.5 of May 22, 1980). An economic evaluation of the proposals has not been conducted since their impact is expected to be minimal. In accordance with Section 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule will not have a significant economic impact on a substantial number of small entities.

This Special Anchorage Area is a portion of an area now being used by owners/operators who either live on board their vessels at anchor or leave their anchored vessels unoccupied. This regulation will not place any special restriction on the use of this or adjacent areas for anchoring/mooring except for the area specified by this Rule. The City may restrict use of the Special Anchorage Area to only those vessels using the permanent moorings, to avoid dangerous overcrowding within the anchorage. Reasonable fees for the upkeep of the moorings may be charged by the City, which is responsible for maintaining good order within the anchorage.

List of Subjects in 33 CFR Part 110

Anchorages.

PART 110—ANCHORAGE REGULATIONS

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by adding § 110.73b to read as follows:

§ 110.73b Dinner Key, FL.

Beginning at a point approximately 112 feet southwesterly from Dinner Key Channel Light 15 (LLNR 860) at latitude 25°43′28″ N., longtitude 80°13′52″ W.; thence southwesterly to latitude 25°43′22″ N., longitude 80°13′50″ W.; thence southeasterly to latitude 25°43′20″ N., longitude 80°13′56″ W.; thence northwesterly to latitude 25°43′24″ N., longitude 80°14′02″ W.; thence northeasterly to the beginning.

Note.—Vessels desiring to use this anchorage must first obtain a permit from the Harbormaster, Dinner Key Marina.

(Sec. 1, 30 Stat. 98 as amended (33 U.S.C. 180); Sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B); 49 CFR 1.46(c)(2)))

Dated: August 30, 1982.

D. C. Thompson,

Rear Admiral, USCG Commander, Seventh Coast Guard District.

[FR Doc. 82–26501 Filed 9–24–82; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AW010WV; A–3–FRL 2215–1]

West Virginia State Implementation Plan; Extension of Time

AGENCY: Environmental Protection Agency.

ACTION: Notice of time extension to correct deficiencies in the West Virginia State Implementation Plan.

SUMMARY: On May 17, 1982, the United States Supreme Court denied West Virginia's writ of certiorari thus upholding the Third Circuit Court of Appeals decision and the EPA Order to submit a sulfur dioxide (SO_2) control strategy demonstration for the Harrison and Mitchell power plants. Because submittal of the required control strategy demonstration prior to resolution of the litigation would have been inappropriate, the State is now requesting eight months from the date of the Supreme Court decision to complete and submit this information. EPA is approving this request and the SO_2 control strategy demonstration must now be submitted on or before January 17, 1983.

FOR FURTHER INFORMATION CONTACT: Eileen M. Glen, Environmental Protection Specialist, U.S. Environmental Protection Agency, Region III, 3AW13, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania, 19106, (215–597–8187).

SUPPLEMENTARY INFORMATION: On November 9, 1978 [43 FR 52239] EPA approved amendments to the West Virginia Air Pollution Control Commission's Regulation X as a revision to the State Implementation Plan (SIP) for control of SO_2 emissions from electric power generating plants. Those amendments, as they applied to the Mitchell and Harrison power stations were challenged in the United States Court of Appeals for the Third Circuit, Pennsylvania v. EPA, Nos. 79–1025, 1026. As a result of this litigation, EPA again reviewed West Virginia's Regulation X

as it applied to the two power plants and determined that the SIP revision was adequate to ensure attainment and maintenance of the primary SO_2 standard [45 FR 74478]. However, EPA determined that West Virginia's SO_2 control strategy was not adequate to ensure attainment and maintenance of the secondary NAAQS for SO_2. On November 10, 1980, EPA published a Notice of Deficiency in West Virginia's SIP [45 FR 74520] and required the State to submit a control strategy and demonstration of attainment of the secondary SO_2 standard within nine months from the date of Notice unless additional time was requested by the State.

On May 28, 1981 West Virginia requested an extension of time for developing a secondary SO_2 control strategy for the Mitchell and Harrison power stations. The State noted that the Third Circuit Court of Appeals would be adjudicating issues raised by EPA's Notice of Deficiency, and that an extension pending resolution of the litigation, was appropriate.

EPA agreed, and, on September 25, 1981, published a Notice in the **Federal Register** (46 FR 47241) granting West Virginia nine months from the date of the Third Circuit Court of Appeals decision to file the required information.

However, when the Third Circuit handed down its decision upholding the EPA Order, the State filed a writ of certiorari with the United States Supreme Court. On May 17, 1982, the Supreme Court denied cert. thus upholding the Third Circuit decision and the EPA Order. Because of the lengthy litigation process, the State of West Virginia, on June 11, 1982, requested an additional eight months in which to complete its modeling demonstrations and any regulations or schedules which may be necessary to ensure that the Harrison and Mitchell power plants will not impede the attainment and maintenance of the secondary SO_2 National Ambient Air Quality Standard.

Based on the lengthy judicial review of this matter, EPA believes the extension is justified and hereby approves January 17, 1983 as the date by which the control strategy must be submitted.

(42 U.S.C. 7401–7642)

Dated: September 10, 1982.

Stanley Laskowski,

Acting Regional Administrator.

[FR Doc. 82–26455 Filed 9–24–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–520; RM–3358; RM–3795; RM–3796]

FM Broadcast Stations in Aguada, Arecibo, Cidra, Puerto Rico, et al.; Order Extending Time For Filing Responses To Petition For Reconsideration

AGENCY: Federal Communication Commission.

ACTION: Petition for reconsideration; extension of time filing responses.

SUMMARY: Action taken herein extends the time for filing responses to a petition for reconsideration involving the assignment of FM Channel 279 to Lajas, Puerto Rico, as the community's first FM assignment. Petitioner, Radio Americas Corporation, states that the additional time is needed to prepare a response to the petition for reconsideration.

DATE: Responses to the petition for reconsideration must be received on or before September 27, 1982, and replies are to be filed on or before October 7, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Broadcast Bureau, (202) 632–20554.

SUPPLEMENTARY INFORMATION:

Order Extending Time For Filing Responses to a Petition For Reconsideration

Adopted: September 9, 1982.

Released: September 15, 1982.

In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations (Aguada, Arecibo, Cidra, Lajas, Manati, Mayaquez, Quebradillas, Utuado and Cabo Rojo, Puerto Rico); BC Docket No. 80–520, RM–3358, RM–3795, RM–3796, (8–31–82; 47 FR 38400).

1. On August 16, 1982, a petition for reconsideration was filed by Jose J. Arzuaga, concerning the above-captioned matter. The date for filing responses to this petition is presently September 15, 1982.[1]

2. We now have before us for consideration a request for extension of time, filed on September 7, 1982, by counsel for Radio Americas corporation, a party to the captioned proceeding. Counsel has requested an extension to and including September 27, 1982, to file a response to the petition for reconsideration. In support of his request, counsel states that although the petition was served on August 16, 1982, it was not received by counsel until August 23, 1982, due to delay in mails between Puerto Rico and Washington. Further, Radio Americas states that it has not had its personnel available to analyze the extensive petition for reconsideration filed by Jose J. Arzuaga, due to travel and the intervenig holiday period. Counsel states that the additional time is needed to prepare and file its response.

3. We are of the view that, under the circumstances recited, and extension of time is warranted. It appears that no other party to the proceeding would be prejudiced by a grant of the instant request and such extension will assure development of a sound and comprehensive record on which to base a decision herein. It will also be necessary to extend the time for filing replies.

4. Accordingly, it is ordered, that the request for extension of time, filed on behalf of Radio Americas Corporation, is granted, and the time for filing responses to the petition for reconsideration and replies thereto in Docket 80–520 (RM–3358, RM–3795, RM–3796) is extended to and including September 27, 1982 and October 7, 1982, respectively.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and sections 0.204(b) and 0.281 of the Commission's rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–26350 Filed 9–24–82; 8:45 am]

BILLING CODE 6712–01–M

[1] Public Notice of the filing of the Petition for Reconsideration was published in the Federal Register on August 31, 1982, 47 FR 38400.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

[BMCS Docket No. MC–104; Notice No. 82–8]

Qualifications of Drivers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Public comment is requested on certain modifications recommended

by the National Transportation Safety Board (NTSB) to the Federal Motor Carrier Safety Regulations (FMCSR) which are being evaluated by the FHWA. The modifications under consideration include the revision of the commercial driver disqualification provisions and the development of specific information that a motor carrier must request from a driver applicant's former employer(s). This notice presents a number of questions with respect to the modifications being considered. Public comments and any available data submitted in response to these questions will greatly assist the FHWA in determining the costs and benefits which are associated with the modifications, and whether further rulemaking action in these areas is warranted.

DATE: Comments must be submitted on or before January 27, 1983.

ADDRESS: All comments should refer to the docket number and notice number that appears at the top of this document and should be submitted, perferably in triplicate, to room 3404, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426–9767; or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 426–0346, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Public comment is requested on modifications to the driver qualification requirements (49 CFR 391) of the Federal Motor Carrier Safety Regulations (FMCSR) which are being considered by the FHWA. The modifications under consideration include (1) the revision of the commercial driver disqualification provisions of the FMCSR to provide that certain specified driving offenses shall be disqualifying, without regard to the type of vehicle being driven at the time of the offense or whether the driver was on or off duty; (2) the development of a maximum allowable index or cumulation of traffic convictions, based on the total number and relative seriousness of the violations, above which a driver would be disqualified to operate a commercial motor vehicle; and (3) the development of specific information that a motor carrier must request from a driver applicant's former employer(s) when making the investigation and inquiries required by Part 391. This ANPRM presents a number of questions with respect to the modifications being considered. Public comments and any available data submitted in response to these questions will greatly assist the FHWA in determining the costs and benefits which are associated with the modifications, and whether further rulemaking action in these areas is warranted.

Background

In February 1980, the NTSB completed a report entitled "Safety Effectiveness Evaluation of Detection and Control of Unsafe Interstate Commercial Drivers Through the National Driver Register, State Driver Licensing Policies, and the Federal Motor Carrier Safety Regulations." During this evaluation, the the Board determined that many problem commercial drivers, in spite of their records of unsafe driving, continued to be licensed by the various States and employed by motor carriers to operate large commercial motor vehicles on the nation's highways.

The NTSB, in its evaluation, stated its belief that improvements in the FMCSR and in other elements of the system for detecting and controlling problem drivers, could enhance the level of safety on the nation's highways. The NTSB specifically recommended that the FHWA initiate rulemaking action in the three areas described above. This ANPRM discusses the three NTSB recommendations and requests substantive data and opinions from the public with respect to each recommendation.

History

Prior to 1971, Federal driver qualification requirements required motor carriers to review driver records and give due consideration to the violations and vehicle accident records of its drivers. Motor carriers were required to take into consideration any violation of law which demonstrated a driver's unfitness to be a driver of a motor vehicle operated in interstate or foreign commerce.

On June 7, 1969 (34 FR 9080) the Federal Highway Administrator announced in a Notice of Proposed Rulemaking (NPRM) that consideration was being given to a substantive revision of the driver qualification requirements contained in the FMCSR. With respect to the disqualification of drivers from commercial motor vehicle operations, the FHWA proposed to disqualify those drivers convicted of offenses that would ordinarily lead to a loss of driving privileges under State law, regardless of the type of vehicle being driven or whether the driver was on or off duty. In addition, it was proposed that drivers would be disqualified when they were convicted of three or more moving traffic violations within 3 years.

Based upon the data provided by the approximately 10,000 comments filed during the rulemaking action, the final rule which was published in the Federal Register on April 22, 1970, (35 FR 6458) reflected certain modifications to the NPRM driver disqualification proposals described above. The major modification was the deletion of the proposal that drivers be disqualified upon the conviction of, or the forfeiture of bond under the charge of, three or more moving traffic violations within 3 years. The rationale for this deletion was the uneven motor vehicle law enforcement practices from State to State, the lack of a uniform rule as to what constitutes a moving violation, and the hardships it would cause many drivers.

With respect to the issue of serious motor vehicle offenses committed in personal vehicles or while in an off duty status, however, it was concluded that the commission of a serious offense while operating a vehicle indicates that the perpetrator is unfit to drive a commercial motor vehicle, whether or not the offense was committed while on duty. For this reason, the grounds for disqualification in the final rule were not limited to offenses committed while driving a commercial motor vehicle in an on duty status.

The final rule also provided, among other things, that motor carriers subject to the regulations perform driving record and employment background investigations on newly hired drivers. Also required was an annual review of the driving record for each regularly employed driver in its employ, to determine whether the driver meets minimum requirements for safe driving, requires remedial driver training, or should be disqualified because of conviction of specific offenses or because of the loss of driving privileges. These provisions mandated that the motor carrier give serious consideration in its deliberations, to violations such as speeding, reckless driving, or operating a motor vehicle while under the influence of alcohol or drugs.

On November 23, 1972 (37 FR 24902) the FHWA issued a revision of §391.15 of the FMCSR, pertaining to the disqualification of persons to serve as drivers of commercial motor vehicles operated in interstate or foreign commerce. Based on new trends toward driver rehabilitation rather than punishment and the absence of data which would either prove or disprove a

statistical correlation between the conviction of a disqualifying offense while operating a non-commercial vehicle and bad driving performance in a commercial motor vehicle, the FHWA amended §391.15 to only provide for the disqualification of a driver when the driver was convicted of a disqualifying offense while operating a commercial motor vehicle in an on duty status.

Current Regulations

Section 391.15, paragraph (b) of the FMCSR provides that a driver is disqualified from operating a commercial vehicle for the duration of a license revocation, suspension, withdrawal, or denial of a license, permit, or privilege, by a State driver licensing agency or other appropriate authority. The driver is disqualified until the driving privilege has been restored.

Paragraph (c) of § 391.15 provides that a driver is disqualified for 1 year (3 years for subsequent offenses) from driving a commercial motor vehicle in interstate or foreign commerce upon conviction, while driving in an on duty status, of certain disqualifying offenses. The disqualifying offenses are:

1. Operating a motor vehicle while under the influence of alcohol, an amphetamine, a narcotic drug, a formulation of an amphetamine, or a narcotic derivative;
2. Conviction of a crime involving the knowing transportation, possession, or unlawful use of amphetamines or narcotic derivatives;
3. Leaving the scene of an accident which resulted in a personal injury or death; or
4. A felony involving the use of a motor vehicle.

Motor carriers are required by § 391.23 to perform background investigations and inquiries on newly employed drivers. The background checks must be accomplished within 30 days from the date of the drivers employment and must include: (1) obtaining a copy of the driver's driving record for the preceding 3 years from the appropriate State agency(ies); and (2) investigating, by means of letter, telephone, etc. a driver's employment record for the preceding 3 years.

Finally, according to §§ 391.25 and 391.27 of the FMCSR, the motor carrier must (1) obtain annually from every driver in its employ, a list of all traffic violation convictions (other than parking) during the preceding 12 months; and (2) review each 12 months the driver's driving record, with special attention being given to actions such as speeding, reckless driving, and other violations which indicate that the driver has exhibited a disregard for the safety of the public. The annual review of the driver's driving record permits the motor carrier to determine if the driver continues to meet minimum requirements for safe driving, requires remedial driver training, should be disqualified under the FMCSR provisions, or should be terminated.

Current Data

During 1973–76, the BMCS conducted in-depth investigations of 496 selected heavy duty vehicle traffic accidents. According to a BMCS report [1] which analyzed the data resulting from the investigations, nearly 10 percent of the accidents involved drivers with poor driving records.[2]

In 1979, 6,696 persons died in crashes involving heavy duty trucks. This figure represents a 34 percent increase in fatalities involving heavy duty trucks since 1976 and 13.1 percent of all the Nation's highway deaths occurring during 1079.[3]

In 1978, heavy duty trucks were involved in 5,399 fatal traffic accidents that killed 6,350 persons—12.6 percent of all highway deaths.[3] The National Transportation Safety Board (NTSB) has stated that the driving background of many of the commercial drivers involved in accidents during 1978 included records of traffic convictions, driver license suspensions, and accidents, indicating a flagrant and repeated disregard for the safety of other highway users.

The NTSB investigated and evaluated 41 accidents in 1978 involving suspected problem commercial vehicle drivers and also reviewed the results of three previous major investigations of heavy truck accidents.[4] The driving histories of the 44 commercial drivers involved in the accidents investigated by the NTSB were compiled by making inquiries to the various States. The individual driving records obtained from the States for the 44 commercial drivers listed a total of 63 driver licenses held, 98 driver license suspensions, 104 traffic accidents, and 456 traffic convictions.

The NTSB has determined that, in spite of commercial driver screening provided by the National Driver Register, State driver licensing agencies, and the individual motor carriers, problem commercial drivers continue to be licensed by the States and employed by motor carriers to operate heavy trucks and other commercial vehicles.

Based on the foregoing information, the FHWA invites comments and any available research data in response to the questions set forth below.

On Duty and Off Duty Citations

There is concern that drivers convicted frequently of moving traffic violations while driving during off duty hours will carry over the same driving habits to the operation of a commercial motor vehicle while in an on duty status.

Question 1. (a) Is there a rational basis for believing that moving traffic offenses committed while performing off duty driving are likely to recur while a driver operates a commercial motor vehicle in an on duty status?

(b) If so, should the present disqualifying offenses in the FMCSR be expanded to cover off duty driving periods, regardless of the type of vehicle operated?

(c) Should the present list of disqualifying offenses be expanded to include other offenses?

(d) If so, what new offenses should be included?

(e) If the present list of disqualifying offenses for on duty driving is expanded to include other offenses, should the additional offenses also be applied to off duty driving activities?

Point System or Maximum Number of Citations

The NTSB, in its recommendations to the FHWA, suggested that the FMCSR be modified to establish specific, minimum driver disqualification criteria, such as those specified in State point systems.

A majority of the States have laws or regulations or both, regarding the establishment and administration of a point system. Under this system, demerits are normally assessed against drivers based on the seriousness of moving traffic violations. When a driver accumulates a specified point total, that individual's driving privilege may be suspended.

In addition to the point system just described, two other systems appear to merit some consideration through the

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[1] "Analysis and Summary of Accident Investigations 1973–76", 1977. Available for inspection at the Bureau of Motor Carrier Safety, 400 Seventh Street, SW., Washington, D.C. 20590 (copy available in docket.)

[2] For the purposes of these investigations, the term "poor driving record" means a record of multiple traffic violations occurring with regularity over a period of several years.

[3] Fatal Accident Reporting System (FARS), National Center for Statistics and Analysis, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

[4] "Safety Effectiveness Evaluation of Detection and Control of Unsafe Interstate Commercial Drivers Through: The National Driver Register; State Driver Licensing Policies; and the Federal Motor Carrier Safety Regulations" February 15, 1980. Available to the public through the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, Accession No. PB 80162969, paper copy price, $8.00 (copy available in docket.)

rulemaking process. These systems are: (1) A disqualification system based on a maximum number of moving traffic violations, and (2) a disqualification system encompassing both a point system and a maximum number of moving traffic violations. The latter system would allow some flexibility based on the seriousness of moving traffic violations.

Whether the FHWA determines that disqualifying offenses are to continue to include only those offenses committed while a driver is on duty, or should also include off duty violations, the FHWA desires comments and information with respect to the following questions:

Question 2. Would it be feasible to strengthen driver disqualification requirements by integrating into those requirements a point system or a maximum citation system, or a combination or both?

Question 3. (a) If a point system is adopted, should convictions for all moving traffic violations be included?

(b) If no, for which violations should points be assessed?

(c) What would be the appropriate demerit value for each violation?

Question 4. (a) If a maximum citation system is adopted, should convictions for all moving traffic violations be included?

(b) If so, what should be the maximum number of citations allowed prior to disqualification?

Question 5. Should convictions from States other than the driver's State of residence be included in the driver disqualification process?

Question 6. (a) Some States have driver improvement programs, whereby demerits are subtracted (citations are not withdrawn, however) from a driver's record upon the driver's successful completion of an approved traffic safety course, alcohol rehabilitation course, or some other form of a driver improvement program. Should the FHWA consider a similar deletion process if additional disqualification requirements are adopted?

(b) If the disqualification program were to include credit for attendance at a driver improvement program, how should this procedure be administered?

Question 7. (a) In instances where a driver's disqualification period has not elapsed and the driver successfully completes an approved driver training program, should the driver be reinstated?

(b) If the driver is reinstated, how should this part of the program be administered?

Work Permit Licenses

Provided that a driver meets certain conditions, many States issue some type of hardship (restricted) license in accordance with point system driver license suspensions.

Question 8. If additional disqualification requirements are adopted, should disqualification action be negated for those drivers who have been issued a work permit license by the State, or by the State at the direction of a court?

Question 9. A number of States have "professional" driver laws. A "professional" driver is usually designated as such by: mileage driven annually, type of employment, and type of vehicle driven. These drivers usually are entitled to retain their drivers license when the license would otherwise be subject to suspension under the point system. If additional disqualification requirements are adopted by the FHWA, would the difference in State laws and Federal regulations in this regard cause undue administrative burden with respect to driver license suspensions, for State law enforcement and State driver licensing agencies?

Driving While Disqualified

A concern of many highway safety officials is the number of drivers who continue to drive while their licenses are suspended or revoked.

Question 10. (a) If additional disqualification requirements are adopted by the FHWA, should the current penalties (i.e., up to $500.00 per offense) for continuing to drive during the disqualification period be applied to all of the new disqualification requirements?

(b) If no, to which additional disqualification requirements should the current penalties apply?

(c) Should additional penalties be developed and applied against drivers who continue to drive during their disqualification period?

(d) If so, what additional penalties should be developed and applied against drivers who continue to drive during their disqualification period?

Record of Violations and Annual Review of Driving Record

Question 11. Drivers are presently required by the FMCSR to provide the employing motor carrier with a list of all violations of motor vehicle laws (other than parking), once every 12 months (49 CFR 391.27).

(a) In order to ensure that motor carriers obtain the driver's true driving record, should the present procedure be amended to require the motor carrier or driver to obtain a copy of the driver's record from the appropriate State motor vehicle agency(ies), rather than permit the driver to prepare the list? Privacy restrictions in some States would have to be considered if motor carriers are to obtain the copy of the driving record.

(b) If the motor carrier is required to obtain a copy of the record of each driver from the appropriate State motor vehicle agency(ies), what financial impact would this have on the motor carrier?

(c) If drivers continue to provide the record, whether in the form of a list compiled by the driver or by obtaining a copy of their driving record(s) from the State(s), what safeguards should be included to ensure that the document the driver provides is true and accurate?

(d) If safeguards are added and if motor carriers obtain copies of driving records directly from State motor vehicle agencies, would this procedure create a workload problem for State motor vehicle agencies and thus delay the forwarding of reports to motor carriers within a reasonable time period?

Question 12. The present FMCSR require that a driver's record be checked every 12 months (49 CFR 391.25). If additional disqualification requirements are adopted, should more frequent record checks be made?

Question 13. At the present time, there is no requirement that BMCS and the appropriate State agency(ies) be notified when a driver is disqualified.

(a) If additional disqualification requirements are adopted, is there a need for the motor carrier to notify the BMCS and the appropriate State motor vehicle agency(ies) when a driver is disqualified?

(b) If so, what procedure should be followed?

Investigation of Driver's Employment Record

Question 14. The FMCSR do not specify the information a motor carrier is required to request from a driver applicant's former employer(s). The NTSB has expressed its belief that absent a full definition of the information which must be requested by the employing motor carrier, there is no way to determine if the motor carrier is in full compliance with the requirement.

The FMCSR presently requires the motor carrier to investigate a driver's employment record for the past 3 years, during the initial employment process. The FMCSR however, do not specifically set forth items of information which the motor carrier

must attempt to obtain during contacts with the driver's previous employers.

(a) Should the FMCSR be amended to specify the information an employing motor carrier must attempt to obtain from a driver's previous employer(s)?

(b) If so, what required information should a motor carrier request from an applicant driver's former employer(s)?

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. A draft regulatory evaluation will be prepared based upon the data received from this notice.

Based on the information available to the FHWA at this time, the action taken in this rulemaking would not have a significant economic impact on a substantial number of small entities.

(49 U.S.C. 304, 1655; 49 CFR 1.48 and 301.60)
(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

List of Subjects in 49 CFR 391

Motor carriers, Driver qualifications.

Issued on: September 16, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc. 82-26469 Filed 9-24-82; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Review for Wildlife Classified as Endangered or Threatened in 1977

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: The Endangered Species Act of 1973, as amended, requires the Service to conduct a review of all listed species at least once every 5 years. The purpose of this section is to insure that the listing accurately reflects the most current status of the listed species. In order to aid the Service in discharging this responsibility, the Director is requesting from any party comments and appropriate data which might document the need to delist or reclassify any of the selected speices of Endangered or Threatened wildlife listed below. If as a result of this review, the present classification of Endangered or Threatened is not consistent with current evidence, the Director will propose changes in such classification accordingly.

DATE: Comments must be received no later than January 25, 1983.

ADDRESSES: Submit comments to Regional Director (FA), Fish and Wildlife Service, Suite 1692, Lloyd 500 Building, 500 N.E. Multnomah Street, Portland, Oregon 97232 (species 1, 2, 3, 4, 6, 17, 18, 19, 20) or Regional Director (FA), Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303 (species 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16). Comments and materials received will be available for public inspection by appointment during normal business hours (7:45 a.m. to 4:15 p.m.) at the Service's appropriate Regional Office.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of Interior, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

The lists of Endangered and Threatened Wildlife and Plants are found in 50 CFR 17.11 (wildlife) and 50 CFR 17.12 (plants). The most recent such lists were published in the October 1, 1981, revision of 50 CFR. The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended, and 50 CFR 424.20 require the Service to conduct a review of each listed species at least once every 5 years. Species which are to be considered under the present review are listed below. Species listed during 1977 which subsequently have been affected by rules reclassifying all or significant parts of their populations are not included in this notice.

Definitions

The following definitions are provided to assist those persons who contemplate submitting information regarding the status of the species listed below:

(1) "Critical Habitat" means (a) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (1) essential to the conservation of the species and (2) which may require special management considerations or protection, and (b) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination by the Director that such areas are essential for the conservation of the species.

(2) "Endangered" means any species which is in danger of extinction throughout all or a significant portion of its range.

(3) "Species" includes any species or subspecies of fish or wildlife or plant, and any distinct population segment of any species or subspecies of a vertebrate which is capable of interbreeding when mature. A species is determined to be Endangered or Threatened because of any of the following factors:

(a) The present or threatened destruction, modification or curtailment of its habitat or range;

(b) Overutilization for commercial, sporting, scientific, or educational purposes;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms, or

(e) Other natural or man-made factors affecting its continued existence.

(4) "Threatened" means any species which is likely to become an Endangered species within the foreseeable future throughout all or a significant portion or its range.

Effects of Review

If substantial evidence is available to the Service or is presented by any party for one or more species listed below, the Director intends to propose new rules that would do any of the following: (a) Reclassify a species from Endangered to Threatened, (b) Reclassify a species from Threatened to Endangered, or (c) Remove a species from the List of Endangered or Threatened Wildlife. Distinct geographic populations of vertebrate species as well as subspecies of all wildlife species may be proposed for either separate reclassification to a different status than the presently listed species or removal from the list. If no substantial data are available or presented to suggest a status change for a particular species, then the next formal status review for that species will be announced no later than 5-years hence.

Once a species has been determined to be Threatened or Endangered, the Act imposes certain restrictions on activities involving the species. Generally, it is unlawful for a person subject to the jurisdiction of the United States to take an Endangered species of fish or wildlife or to engage in foreign and domestic commerce involving an Endangered species or its parts or products, 16 U.S.C. 1538(a)(1); 50 CFR 17.21. The Director has discretion in determining whether the taking and commercial restrictions will be made applicable to Threatened species of fish or wildlife by 50 CFR 17.31. As a general rule, the taking and commerce restrictions applicable to

Endangered species of fish or wildife are made applicable to Threatened species by 50 CFR 17.13. However, the Director does promulgate special rules for some species, varying the taking and commerce prohibitions. See, for example, 50 CFR 17.40(b), Special Rule for Grizzly Bears.

Public Comments Solicited

The Director requests that any comments concerning the status of the species listed below be submitted. Comments from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party are hereby solicited. Such comments must be in writing and should contain the name, signature, address, telephone number, and the association, institution, or business, if any, of the party.

Receipt of all comments will be acknowledged in writing by the Service. If significant data are available warranting a change in a species' classification under the Act, the Director will propose a rule to modify the present status of the listed species. In order to determine if the comments contain significant data, the Director will consider whether the document:

(1) Clearly indicates the scientific and any common name of the species involved;

(2) Contains a detailed narrative describing, as appropriate, the past and present numbers and distribution of the involved species, subspecies, or distinct vertebrate geographic population; the particular threatening factors affecting the species; and, if appropriate, the features and importance of any Critical Habitat;

(3) Is accompanied, as appropriate, by supporting documentation, such as maps, a list of bibliographic references, reprints of pertinent publications, or copies of written reports or letters from authorities; and

(5) Does not essentially repeat scientific, commercial, or other relevant information already cited by the Director in an earlier rulemaking process or notice of review.

The procedural rules for reclassifying or removing a species from the list were published in the February 27, 1980, **Federal Register** (45 FR 13010–13026) and are codified at 50 CFR 424.11.

The primary author of this notice is George E. Drewry, Office of Endangered Species, U.S. Fish and Wildlife Service (703/235–1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

The list of species that are subject to this review is as follows:

Animal species		Historic range	Vertebrate population where endangered or threatened	Status	When listed
Common name	Scientific name				
Mammals:					
1. Otter, southern sea	*Enhydra lutirs nereis*	West coast U.S.A. (WA) south to Mexico (Baja, California.	Entire	T	21
Birds:					
2. Mallard, Marianas	*Anas oustaleti*	West Pacific Ocean: (Guam, Marianas Islands)	Entire	E	23
3. Shrike, San Clemente loggerhead	*Lanius ludovicianus mearnsi*	U.S.A. (CA)	Entire	E	26
4. Sparrow, San Clemente sage	*Amphispiza belli clementeae*	U.S.A. (CA)	Entire	T	26
Reptiles:					
5. Anole, Culebra giant	*Anolis roosevelti*	U.S.A. (PR: Culebra Island)	Entire	E	25
6. Lizard, Island night	*Klauberina riversiana*	U.S.A. (CA)	Entire	T	26
7. Lizard, St. Croix Ground	*Ameiva Polops*	U.S.A. (VI: Green Cay, Protestant Cay)	Entire	T	24
8. Snake, Atlantic salt marsh	*Nerodia fasciata taeniata*	U.SA. (FL)	Entire	T	30
Amphibians:					
9. Coqui, golden	*Eleutherodactylus jasperi*	U.S.A. (PR)	Entire	T	29
10. Treefrog, pine barrens	*Hyla andersoni*	U.S.A. (FL, AL, NC, SC, NJ)	Florida	E	29
Fishes:					
11. Cavefish, Alabama	*Speoplatyrhinus poulsoni*	U.S.A. (AL)	Entire	T	28
12. Chub, slender	*Hybopsis cahni*	U.S.A. (TN, VA)	Entire	T	28
13. Chub, spotfin	*Hybopsis monacha*	U.S.A. (AL, GA, NC, TN, VA)	Entire	T	28
14. Darter, slackwater	*Etheostoma boschungi*	U.S.A. (AL, IN)	Entire	T	28
15. Madtom, yellowfin	*Noturus flavipinnis*	U.S.A. (GA, IN, VA)	Entire	T	28
Clams:					
16. Riffle shell clam, tan	*Epioblasma walkeri*	U.S.A. (KY, TN, VA)	N/A	E	27

Plant species		Historic range	Status	When listed
Scientific name	Common name			
Fabaceae-Pea family:				
17. *Lotus dendroideus* (= *scoparius*) ssp. *traskiae*	San Clemente Island broom	U.S.A. (CA)	E	26
Malvaceae-Mallow family:				
18. *Malacothamnus clementinus*	San Clemente Island bush-mallow	U.S.A. (CA)	E	26
Ranunculaceae-Buttercup family:				
19. *Delphinium kinkiense*	San Clemente Island larkspur	U.S.A. (CA)	E	26
Scrophulariaceae-Snapdragon family:				
20. *Castilleja grisea*	San Clemente Island Indian paintbrush	U.S.A. (CA)	E	26

When Listed Footnotes:
21–42 FR 2968: January 14, 1977.
23–42 FR 28137: June 2, 1977.
24–42 FR 28545: June 3, 1977.
25–42 FR 37373: July 21, 1977.
26–42 FR 40682: August 11, 1977.
27–42 FR 42353: August 23, 1977.
28–42 FR 45528: September 9, 1977.
29–42 FR 58755: November 11, 1977.
30–42 FR 60745: November 29, 1977.

Dated: August 31, 1982.

(5-year Notice of Review, Endangered and Threatened Wildlife and Plants listed in 1977)

J. Craig Potter,

Deputy Assistant Secretary for Fish and Wildlife and Parks

[FR Doc. 82-26358 Filed 9-23-82; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 47, No. 187
Monday, September 27, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 80-083N]

SLD Policy Memoranda

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document lists memoranda, issued by the Standards and Labeling Division (SLD), Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service (FSIS), and available to the public which contain significant new applications or interpretations of the Federal Meat Inspection Act, the Poultry Products Inspection Act, the regulations promulgated thereunder, or departmental policy in the labeling area.

This action stems from a 1980 notice announcing new procedures established by SLD for advising the public more fully of FSIS's prior approval program for labels and other labeling for federally inspected meat and poultry products.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Hibbert, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION: FSIS conducts a prior approval program for labels or other labeling (specified in 9 CFR 317.4, 317.5, 381.132, and 381.134) to be used on federally inspected meat and poultry products. Pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*,) and the regulations promulgated thereunder, meat and poultry products which do not bear approved labels may not be distributed in commerce.

FSIS's prior label approval program is conducted by label review experts within SLD. A variety of factors, such as continuing technological innovations in food processing and expanded public concern regarding the presence of various substances in foods, has generated a series of increasingly complex issues which SLD must resolve as part of the prior label approval process. In interpreting the Acts or regulations to resolve these issues, SLD may modify its policies on labeling or develop new ones.

A November 28, 1980, notice (45 FR 79130) announced, in part, that any such significant or novel interpretations or determinations made by SLD would be issued in writing in memorandum form. It further stated that FSIS would periodically publish a notice in the **Federal Register** listing all memoranda issued since the previously published notice and advising of the availability of those memoranda.

This document is the first of such notices and lists those SLD policy memoranda issued from May 1, 1980, through August 31, 1982.

Persons interested in obtaining copies of any of the following SLD policy memoranda, or in being included on a list for automatic distribution of future SLD policy memoranda, may write to: Printing and Distribution Section, Paperwork Management Branch, Administrative Services Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Memo No.	Title and date	Issue	Reference
001	Pizzas containing cheese substitutes, May 6, 1980	Appropriate labeling for pizza products containing both cheese and cheese substitutes.	9 CFR 319.600.
002	Butifarra sausage, May 30, 1980	Appropriate labeling for sausage product featuring the term "Butifarra"	9 CFR 319.140-319.141.
003	Reduced price or money saving claims, June 10, 1980	Guidelines for approval of these claims	N/A.
004	Sweet Red Peppers and Pimientos, July 30, 1980	The labeling of sweet red peppers as pimientos	N/A.
004A	Sweet Red Peppers and Pimientos, Aug. 20, 1980	The labeling of sweet red peppers as pimientos	MPI Manual § 17.13(o)(3).
005	Cooked Sausages Containing More Poultry than Permitted, July 30, 1980.	The appropriate labeling of certain cooked red meat sausage products containing more than the 15 percent poultry permitted by the regulations.	9 CFR 319.180.
006	Poultry Salami Products, July 30, 1980	Product names that truthfully and accurately describe the type of salami made from poultry.	N/A.
007	Information Panel, Aug. 20, 1980	Guidelines for the use of an information panel on labels for meat and poultry products.	MPI Bulletin 75-29.
008	Not issued.		
009	Labeling Bearing Phrase "Product of U.S.A.", Sept. 8, 1980.	Requirements for the use of the phrase "Product of U.S.A." on labeling	N/A.
010	Label Approval Guidelines for Sausages Containing Cheese, Sept. 8, 1980.	Guidelines for sausages containing cheese as an ingredient	N/A.
011	Label Approval Guidelines for Sausages and Pudding Containing Potatoes, Sept. 8, 1980.	Appropriate guidelines for sausages and pudding containing potatoes	N/A.
012	Uncooked Meat and Poultry Teriyaki, Sept. 8, 1980	Can a meat product be identified as a Teriyaki product without being cooked?	N/A.
013	Chili Verde and Chili Colorado, Sept. 12, 1980	Required ingredients for products labeled "Chili Verde" and "Chili Colorado"	9 CFR 319.300-319.301.
014	Handling Statements in Addition to the Requirements of 9 CFR 317.2(k) and 9 CFR 381.125, Sept. 12, 1980.	Acceptable handling statements in addition to those required in sections 317.2(k) and 381.125, Title 9, of the Code of Federal Regulations.	N/A.
015	Sausage Product Labeled "Linguica," Nov. 5, 1980 (rescinded).	Standards for sausage product labeled "Linguica"	9 CFR 319.140.
015A	Sausage Product Labeled "Linguica," June 22, 1981	Standard for sausage product labeled "Linguica"	9 CFR 319.140.
016	Combinations of Ground Beef or Hamburger and Soy Products, Nov. 25, 1980.	Labeling requirements for the combination of ground beef and soy products or hamburger and soy products.	9 CFR 317.2(j)(1) and 9 CFR 319.15(c).
016A	Combinations of Ground Beef or Hamburger and Soy Products, Mar. 27, 1981.	Labeling requirements for the combination of ground beef and soy products or hamburger and soy products.	9 CFR 317.2(j)(1) and 9 CFR 319.15(c).
017	Potassium Sorbate, Dec. 9, 1980	Use of potassium sorbate as an external mold inhibitor on immitation dry sausage products, dry beef snacks, and beef jerky.	9 CFR 318.7(c)(4).

Memo No.	Title and date	Issue	Reference
018	Dual Weight Requirement for Stuffed Poultry Labels, Dec. 12, 1980.	When must label on consumer size retail packages of stuffed poultry and other stuffed poultry products declare the total net weight of the product and the minimum weight of the poultry in the product?	9 CFR 381.121(b).
019	Negative Ingredient Labeling, Jan. 19, 1981	Appropriate policy for the approval or denial of meat and poultry product labels bearing negative ingredient statements.	N/A.
020	Not issued.		
020A	Labeling of Cooked Mettwurst, Mar. 26, 1981	Whether sausage products labeled as "Mettwurst" may be pre-cooked and how they should be labeled.	N/A.
021	Sausage Products Labeled "Longaniza" and "Longaniza Puerto Rican Style," Feb. 9, 1981.	Standard for product labeled "Longaniza" and "Longaniza Puerto Rican Style"	9 CFR 317.2(j)(5).
022	Poultry Products Labeled as "Fresh," "Not Frozen," and Similar Terms, Feb. 9, 1981 (rescinded).	Guidelines for use of "fresh," "not frozen," and similar terms when labeling poultry products.	N/A.
022A	Poultry Products Labeled as "Fresh," "Not Frozen," and Similar Terms, May 5, 1981.	Guidelines for the use of "fresh," "not frozen," and similar terms when labeling poultry products.	9 CFR 381.66(e).
023	Labeling of Boneless Ham Products, Feb. 10, 1981	Under what circumstances is the use of the term "ham" without qualification an acceptable product name and under what circumstances must the product name be so qualified.	9 CFR 317.2(b)(13).
024	Canadian Style Bacon, Apr. 28, 1981	What cut of pork must be used in a product that is labeled "Canadian Style Bacon"?.	N/A.
025	Cooking Temperature Requirements for Fully-Cooked Poultry Rolls and Other Poultry Products and Fully-Cooked, Cured and Smoked Poultry Rolls and Other Cured and Smoked Poultry Products, May 4, 1981.	What are the cooking temperature requirements for poultry rolls and other poultry products and cured and smoked poultry rolls and other cured and smoked poultry products labeled as "fully-cooked," "ready-to-eat," "baked," or "roasted"?	9 CFR 381.150 and MPI Manual § 18.37(3), par. 2.
026	Labeling of Water-Added Cured Pork Products, May 5, 1981.	What size packages of water-added cured pork products must be labeled with the term "water added" the full length of the product?	9 CFR 319.104(d).
027	Clarification of "Meat" Definition in Chopped Beef, Ground Beef or Hamburger, June 15, 1981.	What ingredients, defined as meat in the regulations, may be utilized in preparing chopped beef, ground beef or hamburger?	9 CFR 301.2(tt) and 9 CFR 319.15 (a) and (b).
028	Nutrition Labeling Quality Control Programs, Aug. 31, 1981.	Quality control program requirements for certain nutrition labeled cooked sausauges and margarine.	9 CFR 319.180 and 319.700.
029	Labeling Poultry Products Containing Livestock Ingredients, Sept. 4, 1981.	How poultry products containing livestock ingredients should be labeled	N/A.
030	Labeling Meat Food Products Containing Poultry Ingredients, Sept. 4, 1981.	How meat food products containing poultry ingredients should be labeled	9 CFR 319.180.
031	"Cooked Salami" Labeling, Sept. 4, 1981	What is the appropriate labeling for the product "Cooked Salami"?	N/A.
032	Raw Poultry Meat (381.117(b)), Sept. 4, 1981	Appropriate labeling requirements for poultry meat obtained from other than young poultry.	9 CFR 381.117(b).
033	Labeling of Cured Meat Products, Sept. 4, 1981	Can the traditional names of cured meat products be used even though mechanical reduction has taken place before the product has acquired the characteristics expected?	N/A.
034	Fresh Chorizos, Oct. 1, 1981	Limitations on water and other liquids in fresh chorizos	9 CFR 319.140 and 9 CFR 318.7(c)(1).
035	High Fructose Corn Syrup (HFCS) in Meat or Poultry Products, Oct. 27, 1981.	Appropriate use limitations and labeling of HFCS in meat or poultry products	9 CFR 318.7(c).
036	Plastic Cans, Nov. 3, 1981	Whether plastic packaging for meat food products may be considered to be a "can" under 319.104(e).	9 CFR 319.104(e).
037	Alternate Principal Display Panels, Nov. 4, 1981	When is a panel bearing a number of mandatory labeling features considered an alternate principal display panel?	9 CFR 317.2(d) and 9 CFR 381.116(b).
038	Labeling Cured Products as "Honey Cured" "Sugar Cured", or "Honey and Sugar Cured" (Sugar and Honey Cured), Dec. 16, 1981.	What are the guidelines for the use of "Honey Cured", "Sugar Cured", or "Honey and Sugar Cured" (Sugar and Honey Cured) on labeling.	N/A.
039	Label Claims or Features Representing a Product's Caloric Content or Usefulness in the Reduction or Maintenance of Body Weight, Jan. 18, 1982.	Guidelines for approval of subject claims and features	9 CFR 317.2(j)(2) and 9 CFR 381.124.
040	Smoked Products, Jan. 18, 1982	Can products be labeled as "smoked" if they have been exposed to natural liquid smoke which has been transformed into a vapor by mechanical means?	N/A.
041	Labeling of Boneless Ham Products, Feb. 1, 1982	Under What circumstances are the product names for ham products acceptable without qualifications and when must the product names be qualified?	9 CFR 317.2(b)(13).
042	Raw Bone-In Poultry Products Containing Solutions, Feb. 3, 1982.	Labeling of raw bone-in poultry and poultry parts to which solutions are added	9 CFR 381.169.
043	Labeling Ground Poultry, Feb. 8, 1982	How should raw ground poultry be labeled that is to be sold at retail in packages similar to hamburger and ground beef.	9 CFR 381.117—381.118.
044	Raw Boneless Poultry Containing Solutions, Apr. 7 1982	Labeling of raw boneless poultry and poultry parts to which solutions are added	9 CFR 381.169.
045	Product Names of Margarine Substitutes, Apr. 7, 1982	What guidelines should be followed when approving labels for products that are substitutes for margarine?	9 CFR 301.2(ii)(3) and 9 CFR 317.2(e).
046	Percent Fat Free Label Declarations, Apr. 8, 1982	Requirements for the approval of percent fat free declarations	N/A.
047	Net Weight Statements on Packages with Header Labels, May 3, 1982.	What are the size and location requirements for the net weight statements on packages with header labels?	9 CFR 317.2(h)(6) and 9 CFR 381.121.
048	Level of Beef in Berliner, May 18, 1982	What is the maximum amount of beef allowed in a sausage product called "Berliner"?	N/A.
049	Interim Sodium Labeling Guidelines (rescinded), May 20, 1982.	What guidelines should be followed at the present time in the review and approval of labeling which includes quantitative sodium information and/or non-quantitative claims?	MPI Bulletin 82-28.
049	Rescindment of Poicy Memo 049, July 27, 1982		MPI Bulletin 82-28
049B	Interim Sodium Labeling Guidelines, Aug. 19, 1982	What guidelines should be followed at the present time in the review and approval of labeling which includes quantitative sodium information and/or nonquantitative claims?	MPI Bulletin 82-28.
050	Canadian Style Bacon, Aug. 25, 1982	What cut of pork must be used in a product that is labeled "Canadian Style Bacon"?	N/A.

The SLD policies specified in these memoranda will be uniformly applied to all revelant labeling applications unless modified by future memoranda or more formal Agency action. As specified in the 1980 notice, applicants retain all rights of appeal regarding decisions based upon these memoranda.

Done at Washington, DC, on September 22, 1982.

Robert G. Hibbert,

Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service.

[FR Doc. 82-26520 Filed 9-24-82; 8:45 am]

BILLING CODE 3410-DM-M

Forest Service

Revised Notice of Intent To Prepare an Environmental Impact Statement for Amendments 2, 3, and 4 to 1980–1983 Plan of Operations for Exploration Activities at Quartz Hill; Tongass National Forest, Ketchikan, Alaska

This notice revises the Notice of Intent published in the Federal Register Vol. 47, No. 120, on June 22, 1982. The U.S. Department of Agriculture, Forest Service, is in the process of preparing an Environmental Impact Statement for the 1980–83 Plan of Operations, Amendments 2, 3 and 4, for U.S. Borax and Chemical Corporation exploration activities in the Quartz Hill area. The project is located near Wilson Arm and Boca de Quadra in the Misty Fiords National Monument. Alternatives will include the no action alternative and the proposed plan of operation.

The scoping process has involved participation by Federal, State and local agencies, organizations, and individuals interested in or affected by the decision. This process includes: (a) Identification of those issues to be addressed; (b) identification of issues to be analyzed in depth; (c) elimination of insignificant issues or issues not related to the amendment. This participation is being conducted through written solicitation, small group meetings, or notices sent to news media and interested groups and individuals.

The U.S. Department of the Interior, U.S. Department of Commerce, and the State of Alaska have been consulted during the analysis per the requirements of the Alaska National Interest Lands Conservation Act, Section 505(a).

The Draft Environmental Impact Statement will be issued by November 15, 1982, and the Final Statement is expected to be released about February 15, 1981.

The responsible official is R. Max Peterson, Chief, Forest Service. Comments on this revised Notice of Intent or the proposed activity should be sent to David J. Barber, Interdisciplinary Team Leader, Ketchikan Area, Tongass National Forest, Federal Building, Ketchikan, Alaska 99901, telephone (907) 225–3101.

Dated: September 21, 1982.

R. M. Housley,

Acting Chief, Forest Service.

[FR Doc. 82–26435 Filed 9–24–82; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Docket 40813]

Firstair Corp. Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to commence on October 6, 1982, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Ave., NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., September 22, 1982.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 82–26490 Filed 9–24–82; 8:45 am]

BILLING CODE 6320–01–M

[Docket 40580]

Samoa, Inc., d.b.a. Samoa Airlines, Inc., Fitness Investigation; Postponement of Hearing

By letter dated September 16, 1982, the applicant requests that the hearing in this proceeding, currently scheduled for September 24, 1982, be postponed. The applicant states that it needs one last extension to prepare certain revised exhibits which were due on September 15, 1982. It requests that it be permitted to submit these exhibits on October 6, 1982, and that the hearing be scheduled soon thereafter. None of the parties object to this request, and it will therefore be granted.

Accordingly, notice is hereby given that a hearing in the above-entitled matter scheduled to be held on September 24, 1982 (47 FR 37942, August 27, 1982) is hereby postponed until October 15, 1982, at 10:00 a.m. (local time), in Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, before the undersigned administrative law judge.

Dated at Washington, D.C., September 21, 1982.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 82–26489 Filed 9–24–82; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on October 19, 1982, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4 p.m. is: (1) Introductory remarks by the Director, Bureau of the Census; (2) current Census Bureau activities and legislative situation: (3) update on the 1982 Census of Agriculture, including the publicity program, the results of the Farm and Ranch Survey, and status of the mail list; (4) coverage evaluation for the 1982 Census of Agriculture; (5) 1978/1982 agriculture census comparability; (6) publication program; (7) report on data linkage seminar; (8) handling data user requests; (9) Committee recommendations; and (10) election of chairperson-elect.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. George Pierce, Agriculture Division, Bureau of the Census, Room 3009, Federal Building 4, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763-7731.

Dated: September 21, 1982.

Bruce Chapman,

Director Bureau of the Census.

[FR Doc. 82–26427 Filed 9–24–82; 8:45 am]

BILLING CODE 3510–07–M

International Trade Administration

[Case No. 633]

Creusot-Loire S.A.; Order Modifying Temporary Denial of Export Privileges

In the matter of: Creusot-Loire S.A., 42 Rue d'Anjou, 75008 Paris, France.

By Order of August 26, 1982, 47 FR 38169 (August 30, 1982), the respondent, Creusot-Loire S.A., was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1981)) (the "Regulations"), all privileges of participating in any manner or capacity in the export of U.S.-origin commodities or technical data.

The Department of Commerce (the "Department") has now filed a motion to modify the Order of August 26, 1982 to restrict the scope of the denial to U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement, on the grounds that a denial order which is restricted in scope will (1) continue to facilitate the Department's investigation, (2) remain consistent with the foreign policy objectives of the Regulations relating to the export to the Soviet Union of commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement, and (3) reflect conscientious efforts by the Department to adjust its measured approach to possible violations of the Regulations, both in light of information developed during the investigation and in a way that imposes a uniform and not overly broad burden on all respondents.

Based upon the showing made by the Department and having considered the views of the respondent, I find that the motion to modify the order temporarily denying all export privileges to Creusot-Loire is in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401, *et seq.*) (Supp. III (1979)), and the Regulations, and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondent in transactions that in any way involve U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered that the Order of August 26, 1982 is modified as follows.

I. All outstanding validated export licenses concerning U.S.-origin commodities or technical data for or relating to oil and gas exploration, production, transmission, or refinement in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation. All validated export licenses revoked by the Order of August 26, 1982, that are not for or related to oil and gas exploration, production, transmission, or refinement are hereby reinstated, and all such licenses received by the Department pursuant to the Order of August 26, 1982, shall be returned forthwith to the licensee by the Office of Export Administration.

II. The respondent, its successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of paticipating, directly or indirectly, in any manner or capacity, in any transaction involving U.S.-origin commodities of technical data for or relating to oil and gas exploration, production, transmission, or refinement exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any such commodities or technical data exported from the United States in whole or in part, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall exend not only to the respondent, but also to its agents and employees and to any successor.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or whereby the respondent may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any such commodity or technical data exported from the United States in whole or in part, or to be exported, by, to, or for the respondent denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any such commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondent may move at any time to vacate or modify this modified temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, NW., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. In accordance with the provisions of § 388.22 of the Regulations, the respondent may appeal to the Assistant Secretary for Trade Administration, U.S. Department of Commerce, Room 3898–B, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an order temporarily denying export privileges.

VI. This modification of the Order of August 26, 1982, is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the named respondent as a result of the ongoing investigation. A copy of this modification of the Order of August 26, 1982, shall be served upon the respondent.

Dated: September 23, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-26653 Filed 9-24-82; 9:39 am]

BILLING CODE 3510-25-M

Carbon Steel Wire Rod From Argentina; Suspension of Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of suspension of investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving carbon steel wire rod from Argentina. The basis for the suspension is an agreement by the government of Argentina to eliminate all benefits which we found to be bounties or grants on exports of the subject product to the United States.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone : (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Case History

On February 8, 1982, the Department of Commerce (the Department) received a petition from Atlantic Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation, Keystone Consolidated Incorporated, Korf Industries Incorporated, Penn-Dixie Steel Corporation and Raritan River Steel Corporation, filed on behalf of the U.S. industry producing carbon steel wire rod. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Argentina of carbon steel wire rod.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on March 1, 1982, we initiated a countervailing duty investigation (47 FR 9260). We stated that we expected to issue a preliminary determination by May 4, 1982. We subsequently determined that the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until July 8, 1982 (47 FR 17319).

We presented a questionnaire concerning the allegations to the government of Argentina in Washington, D.C. on May 7, 1982, we received the response to the questionnaire. During August 9–13, 1982, we verified this information by a review of government documents and company books and records of Industria Argentina de Aceros, S.A. (ACINDAR), the only known exporter in Argentina of carbon steel wire rod to the United States.

On July 8, 1982, we preliminarily determined that the government of Argentina is providing bounties or grants to manufacturers, producers, or exporters of carbon steel wire rod under two programs. The programs preliminarily found to confer bounties or grants were an overrebate of indirect taxes on exports—the reembolso, and prefinancing of exports through dollar-indexed pesos.

Notice of the preliminary affirmative countervailing duty determination was published in the **Federal Register** on July 14, 1982 (47 FR 30539). We directed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise, entered or withdrawn from warehouse, for consumption on or after July 14, 1982, and to require a cash deposit or bond in the amount of 13.80 percent of the f.o.b. value of the merchandise.

On August 20, 1982, the Department initiated a proposed agreement to suspend the countervailing duty investigation involving carbon steel wire rod from Argentina. The basis for the proposed agreement to suspend was that the government of Argentina would eliminate the entire amount of benefits we found to confer bounties or grants on exports of carbon steel wire rod to the United States.

On the same date, in compliance with the procedural requirements of section 704(e) of the Act, we called counsel for the petitioners informing them of the proposed agreement. At that time, we discussed the essential points of the proposed agreement and offered to answer any questions. These parties also received a copy of the proposed agreement on that date.

Scope of the Investigation

The product covered by this investigation is carbon steel wire rod manufactured in Argentina and exported, directly or indirectly, from Argentina to the United States. The term "carbon steel wire rod" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.02 inch nor over 0.74 inch in diameter, not tempered, not treated, and not partly manufactured, and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States*.

The period for which we are measuring the receipt of bounties or grants is calendar year 1981.

Changes Since the Preliminary Determination

(1) *The Reembolso.* In our preliminary determination, we stated that the documentation of taxes rebated by the reembolso on various raw materials and imported inputs was inadequate. Therefore, we preliminarily determined that rebating such taxes was countervailable. We allowed certain final stage taxes totalling 3.66 percent.

At verification, we received and verified a detailed breakout of the various taxes rebated by the reembolso, documentation of those taxes and the rates of taxation. Further, we received a listing of physically-incorporated inputs, the rate of tax incidence on each of these inputs, and the specific incidence of each tax on the input. As a result, we have determined that an additional 3.94 percent of the tax incidence on wire rod meets our requirements and is not countervailable.

Certain raw material inputs are physically incorporated in carbon steel wire rod. Embedded in each of these inputs are the following indirect taxes which are levied at each stage of production:

	Percent
Control of destination tax	2.0
Foreign exchange tax (on materials imported by suppliers)	0.6
Gross sales tax	1.5
Electricity taxes:	
—National Energy Fund	5.0
—Grand Projects Fund	5.0
—El Chocon Fund	5.0
—Local electricity taxes	(1)
Municipal tax	1.5

[1] Vary by consumption.

As computed by the government of Argentina, the total estimated *ad valorem* incidence of these combined cascading taxes and the total estimated amount of tax per ton of wire rod include a social welfare tax. This is a direct tax, the remission of which is not allowable. We have therefore adjusted the Argentine government's estimate downward by an appropriate amount to account for the inclusion of this tax.

Of the remaining domestic inputs, only a portion of natural gas meets the physical incorporation test. ACINDAR uses the Midrex process for the reduction of iron. This process uses natural gas (methane, CH_4) for combustion, and carburization and reduction. Carburization and reduction occur in a closed system and, therefore, the methane used for this purpose is discrete from that used for combustion. Methane used for combustion is not physically incorporated. Carbon used for carburization, which is 75 percent of methane by atomic weight, is physically

incorporated, while the hydrogen is consumed in the reduction process and is not physically incorporated. Thus, for natural gas used in the production process, we have allowed the remission of the taxes attributable only to the carbon portion of the methane which is used for carburization and is physically incorporated. Because this is a closed system, no allowance need be made for necessary waste with respect to this carbon.

The tax incidence on methane is composed of two elements: the 1.5 percent gross sales tax, and a 10 percent excise tax on gas consumption. This results in an allowable figure that is equal to 0.68 percent of the value of the finished product, carbon steel wire rod.

Finally, there are three imported inputs that are physically incorporated: pellets, sponge iron and electrodes. The indirect taxes borne by these products are:

	Percent
Control of destination tax	2.0
Stamp tax	1.0
Foreign exchange tax	0.6

Although the primary purpose of electrodes is not to introduce carbon into the steel, they gradually wear away while being used in the electric-arc process, and the carbon that is consumed in this process becomes part of the carbon steel produced. The total tax incidence on these imported inputs which we have allowed is 1.16 percent.

On July 5, 1982, Resolution No. 8 of the Ministry of Economy reduced the reembolso for many export products including carbon steel wire rod to 10 percent of the f.o.b. value. Consequently, with the adjustments made to our preliminary determination referred to in this notice, the portion of the reembolso that constitutes an allowable rebate is 7.60 percent and the overrebate, to be eliminated as a condition of the suspension agreement, is currently 2.40 percent.

(2) *Long-Term Loan.* We stated in our preliminary determination that we required additional information concerning a long-term loan granted to ACINDAR in 1976 by the National Development Bank (BND) before making a determination on the allegation that such a loan confers a bounty or grant. At verification, we learned that the loan was in pesos with the principal fully indexed to the inflation rate and a real interest rate of 7 percent. Normally, the BND is the only source of long-term loans denominated in pesos. The BND has two basic types of long-term peso loans: for the purchase of machinery in expansion projects and for working capital, and loans of both types are made to a wide variety of sectors. The interest rates differ by the type of loan, but the interest rate on each type of loan is the same for all borrowers. Because these loans are generally available on the same terms, we have determined that they do not confer a bounty or grant.

Petitioners' Comments

The Department has consulted with counsel for the petitioners and received the following comments from them objecting to the proposed suspension agreement. Our responses are shown for each comment.

Issues Related to the Suspension Agreement

Comment 1: The petitioners request that paragraph B.1.b be modified to state "that it (the goverment of Argentina) shall not through its Central Bank or otherwise, provide directly or indirectly preferential dollar-indexed pre-export financing on any exports of the subject product."

DOC Position: We have incorporated the suggested amendment into paragraph B.1.b.

Comment 2: The petitioners contend that the representative period chosen as a reference period for the section 704(d)(2) requirement—that exports not increase in the interim period between suspension and imposition of the export tax—perpetuates the recent surge of imports of Argentine carbon steel wire rod into the United States.

DOC Position: We are required to select "the most recent representative period." Accordingly, we chose the period February 1981–January 1982—the most recent 12-month period prior to the filing of the petition. The petitioners have contended that we should use a two-year period, 1980–1981, to reflect more accurately the long-term level of Argentine wire rod exports to the United States. The suggested period has 20 months of non-shipment prior to entry into the market and the increase of imports; the period we have chosen begins with 7 months of non-shipment. We note that the period covered by this quantitative restraint is very short—until October 30, 1982, when the agreement will go into effect.

Comment 3: The petitioners state that for effective monitoring the agreement should include a specific provision requiring the government of Argentina to report on a quarterly basis the monthly volume of exports of the subject product.

DOC Position: Pursuant to section 704(b)(1) of the Act, the government of Argentina has agreed to the complete elimination of the net subsidy. No quantitative restrictions are required with such a suspension agreement once the subsidy has been completely eliminated, and thus the proposed amendment has no relevance.

Comment 4: The petitioners state that the agreement should include a provision whereby the government of Argentina consents to access to verification reports by counsel for the petitioners under an administrative protective order, so that counsel may monitor independently the efficacy of the agreement.

DOC Position: Non-confidential versions of verification reports are normally available to the public. A determination concerning the request by counsel for release of the confidential version of a verification report under protective order will be made at the time such requests are submitted.

Comment 5: The petitioners state that the suspension agreement fails to fulfill the explicit statutory conditions of section 704(d)(1) of the Act that any suspension agreement be in the public interest.

DOC Position: By its terms, the suspension agreement will eliminate completely the net subsidy, and *a fortiori* eliminates any injury caused by the net subsidy, without the added expense to the U.S. taxpayers, petitioners, and respondents of completing the investigation.

Subsidy Issues

Comment 6: The petitioners contend that the Department should not determine the net subsidy portion of the reembolso by simply subtracting the amount of indirect taxes considered allowable from the amount of the reembolso payment. Instead, they argue that we should determine the ratio of the reembolso payment to the total tax incidence on wire rod and consider only that percentage of the allowable indirect taxes as rebatable, without given rise to a subsidy.

DOC Position: Through long-standing case precedent and by the dictates of the Act, the Department has determined that only that portion of the reembolso that exceeds the amount of indirect taxes allowable under the Act confers a bounty or grant. The petitioners, in effect, are arguing that in order for the Department to make such a determination, the government of Argentina has the obligation to rebate fully all indirect taxes on wire rod that it has calculated. The government of Argentina has no obligation to rebate any indirect taxes incident on wire rod; the only obligation that exists under the

act is that if it chooses to rebate any of these indirect taxes, they must be reasonably calculated and directly related to wire rod. Having made that determination, the Department cannot consider any portion of those allowable indirect taxes to confer a bounty or grant.

Comment 7: The petitioners argue that the exemption of reembolso payments from the income tax constitutes an additional bounty or grant that is countervailable.

DOC Position: By its nature, the rebate of indirect taxes is not considered income. To determine whether the reembolso is a *bona fide* rebate of indirect taxes, the Department has followed its long-established practice of considering a rebate of indirect taxes to be non-countervailable if it is reasonably calculated, is specifically intended to compensate for the prior payments of indirect taxes, and is directly related to the merchandise exported. These conditions are enumerated in the Senate Report to the Act (S. Rep. 96–29 at 84f/1979) and have been upheld by the Court of International Trade in the case, *Industrial Fasteners Group, American Importers Association* v. *United States*, 2 C.I.T. ——, Slip Op. 81–99 (October 29, 1981). Having met these criteria, we consider the non-excessive portion of the reembolso to be a *bona fide* rebate of indirect taxes and non-countervailable.

The legislative history, however, is silent on the issue of the countervailability of the secondary tax effects of non-countervailable rebates of indirect taxes. We interpret Congressional intent to be that the *whole* of a non-excessive rebate of indirect taxes—including any secondary tax effects—is non-countervailable, provided it meets the above-mentioned criteria.

With respect to that portion of the reembolso determined to confer a bounty or grant and which could be considered income, we conclude that there is no additional benefit attributable to the income tax exemption. Since we have separately determined the full benefit from this overrebate, we would be double-counting if we were to consider that a countervailable benefit is conferred by its exemption from the income tax. Further, the Department consistently has taken the position that it will not examine the income tax consequences of non-income tax subsidy programs. Whether and to what extent each producer's or exporter's benefits from a program unrelated to income taxes would be increased or diminished as a consequence of application of its country's income tax laws is a difficult and complex matter which is neither feasible nor necessary to explore.

Comment 8: The petitioner states that the Department should not use additional information regarding the reembolso received after the preliminary determination because the respondent refused to provide such information at the appropriate time in the investigation.

DOC Position: The respondent never refused to supply any information requested by the Department. Information used with respect to changes in the preliminary determination in calculating the permissible level of reembolso was received at verification, an integral part of the investigation. This material supplemented information provided prior to the preliminary determination in sufficient detail to permit revision of our calculations.

Comment 9: The petitioners state that the Department should not accept *ex post facto* rationalizations of rebates of indirect taxes, in accordance with its past practice.

DOC Response: The Department has relied only on studies of the indirect tax incidence prepared by the government of Argentina prior to the initiation of the investigation. At verification we examined in detail the back-up documents prepared as the basis for the studies submitted by ACINDAR to the government of Argentina before this investigation was initiated. These documents supported the figures we have used in our calculations.

Suspension of the Investigation

The Department has determined that the agreement will eliminate completely the bounties or grants conferred on the subject merchandise exported directly or indirectly to the United States, that the agreement can be monitored effectively, and that the agreement is in the public interest. We find, therefore, that the criteria for suspension of an investigation pursuant to section 704 of the Act have been met. The terms and conditions of the agreement, signed September 21, 1982, are set forth in Annex 1 to this notice.

Pursuant to section 704(f)(2)(A) of the Act, the suspension of liquidation of all entries, entered or withdrawn from warehouse, for consumption of carbon steel wire rod from Argentina effective July 14, 1982, as directed in our notice of "Preliminary Affirmative Countervailing Duty Determination, Carbon Steel Wire Rod from Argentina" is hereby terminated. Any cash deposits on entries of carbon steel wire rod from Argentina pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

The Department intends to conduct an administrative review within twelve months of the anniversary date of publication of this suspension as provided in section 751 of the Act.

Notwithstanding the suspension agreement, the Department will continue the investigation if we receive such a request in accordance with section 704(g) of the Act within 20 days after the date of publication of this notice.

This notice is published pursuant to section 704(f)(1)(A) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 21, 1982.

Annex 1—Suspension Agreement—Carbon Steel Wire Rod From Argentina

Pursuant to section 704 of the Traiff Act of 1930, as amended ("the Act"), and section 355.31 of the Commerce Regulations, the government of the United States through its Department of Commerce ("the Department") and the government of Argentina through its Ministry of Economy ("the Ministry") enter into the following suspension agreement ("the agreement") on the basis of which the Department shall suspend its countervailing duty investigation initiated on March 1, 1982 (47 Fed. Reg. 9260) with respect to carbon steel wire rod from Argentina. The agreement shall be in accordance with the terms and provisions set forth below.

A. Scope of the Agreement

The agreement applies to all carbon steel wire rod manufactured in Argentina and exported, directly or indirectly, from Argentina to the United States (hereinafter referred to as the "subject product"). The term "carbon steel wire rod" covers a coiled simi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.02 inch nor over 0.74 inch in diameter, not tempered, not treated, and not partly manufactured, and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States*.

B. Basis of the Agreement

1. The Ministry hereby agrees to eliminate completely the amount of the net bounty or grant determined by the Department to exist with respect to the subject product. The elimination of the net bounty or grant shall be accomplished for all exports of the subject product made on or after October 30, 1982. The Ministry agrees that:

(a) it will not provide to manufacturers, producers, or exporters of the subject product, either directly or indirectly, any reembolso payment constituting a bounty or grant, as determined by the Department, and

(b) the Central Bank shall not provide, either directly or indirectly, preferential dollar-indexed pre-export financing and that the Ministry shall submit documentation that

the Central Bank prohibits such financing on any exports of the subject product.

2. The Ministry certifies that no new or equivalent benefits shall be granted on the subject product as a substitute for any benefits eliminated by the agreement.

3. The elimination of these benefits does not constitute an admission by the Ministry that such benefits are bounties or grants within the meaning of the U.S. countervailing duty law.

4. The Ministry agrees that from the effective date of the suspension of the investigation and until the complete elimination of the net bounty or grant no later than October 30, 1982, the rate of exports of the subject product will not exceed the average monthly rate of exports to the U.S. in the period February 1981-January 1982. The Department will monitor the exports of the subject product to the United States from the effective date of the suspension of the investigation until the elimination of the net bounty or grant and will issue instructions to the Customs Service to deny entry, or withdrawal from warehouse, for consumption of the subject product exported in excess of the average monthly rate in the period February 1981-January 1982.

5. The Department agrees to suspend its countervailing duty investigation with respect to carbon steel wire rod from Argentina.

C. Monitoring of the Agreement

1. The Ministry agrees to supply to the Department such information as the Department deems necessary to demonstrate that it is in full compliance with the agreement.

2. The Ministry shall immediately provide copies of any resolutions, decrees or legislation governing the changes in the level of reembolso payments or of the indirect taxes rebated by these payments on any exports of the subject product as soon as such changes occur.

3. The Ministry shall notify the Department if any exporters of the subject product transship the subject product through third countries or apply for or receive, directly or indirectly, the benefits of the programs described in paragraph B(1) regarding the manufacture, production or export of the subject product.

4. The Ministry shall certify to the Department within 15 days after the first day of each three-month period beginning on January 1, 1983 whether it continues to be in compliance with the agreement by eliminating the net bounty or grant referred to in paragraph B(1) and whether it has substituted any new or equivalent benefits for the benefits eliminated by the agreement. Failure to supply such information or certification in a timely fashion may result in the immediate resumption of the investigation or issuance of a countervailing duty order.

5. The Ministry shall permit such verification and data collection as is requested by the Department in order to monitor the agreement. The Department will request such information and perform such verification periodically pursuant to administrative reviews conducted under section 751 of the Act.

6. The Ministry shall notify the Department if it decides to alter or terminate its obligations with respect to any of the terms of the agreement.

7. The Department shall notify the Ministry of any subsequent determination in this proceeding as a result of information provided by the Ministry with respect to the monitoring of the agreement.

8. The agreement shall remain in effect until the conditions of section 751(c) of the Act are met, unless the Department determines that paragraph D of the agreement applies.

D. Violation of the Agreement

If the Department determines that the agreement is being or has been violated or no longer meets the requirements of section 704(b) or (d) of the Act, then section 704(i) shall apply.

E. Effective Date

The effective date of the agreement is the date of publication.

Signed in Washington, D.C., on this 21st day of September, 1982.

For the Argentine Ministry of Economy.

Santiago Murray,

Minister-Counselor, Embassy of the Argentine Republic.

I have determined that the provisions of paragraph B completely eliminate the bounties or grants that the government of Argentina is providing with respect to carbon steel wire rod exported directly or indirectly from Argentina to the United States and that the provisions of paragraph C ensure that this agreement can be monitored effectively pursuant to section 704(d) of the Act. Furthermore, I have determined that the agreement meets the requirements of section 704(b) of the Act and suspension of the investigation is in the public interest.

Department of Commerce.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-26461 Filed 9-24-82; 8:45 am]

BILLING CODE 3510-25-M

Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Carbon Steel Wire Rod From South Africa

AGENCY: International Trade Administration, Commerce

ACTION: Final affirmative countervailing duty determination and countervailing duty order.

SUMMARY: We determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in South Africa of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice. The estimated bounty or grant is indicated under the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. Thran, Office of Investigations, Import Administration, International Trade Administration, U.S.. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-1766.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers, or exporters in South Africa of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice. The following programs are found to be bounties or grants.

- Export incentive program—category C
- Assumption of financing charges
- Railroad rate differential
- Central government rail rebate

We determine the net bounties or grants to be the amount indicated in the "Suspension of Liquidation" section of this notice.

Case History

On February 8, 1982, we received a petition from counsel for Atlantic Steel Corporation, Georgetown Steel Corporation, Georgetown-Texas Steel Corporation, Keystone Consolidated Incorporated, Korf Industries Incorporated, Penn-Dixie Steel Corporation and Raritan River Steel Corporation, on behalf of the U.S. industry producing carbon steel wire rod. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in South Africa of carbon steel wire rod.

We found the petition sufficient and, on March 1, 1982, we initiated a countervailing duty investigation (47 FR 5751). We stated that we expected to issue a preliminary determination by May 4, 1982. We subsequently determined that the investigation is "extraordinarily complicated", as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until july 8, 1982 (47 FR 17319).

On July 8, 1982, we preliminarily determined there was reason to believe or suspect certain benefits which constitute bounties or grants within the meaning of the countervailing duty law, were being provided to manufacturers,

producers, or exporters in South Africa of carbon steel wire rod (47 FR 30559). Written views and rebuttals were received from all the parties in lieu of a hearing.

Since South Africa is not a "country under the Agreement" within the meaning of section 701(b) the Act, and the carbon steel wire rod at issue here is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission (ITC) is not required to determine whether, imports of this product cause or threaten material injury to the U.S. industry in question.

Scope of Investigation

For the purpose of this investigation, the term "carbon steel wire rod" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.02 inch nor over 0.74 inch in diameter, not tempered, not treated, and not partly manufactured, and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States.*

The South African Iron and Steel Industrial Corporation (ISCOR) is the only known producer in South Africa of the subject product exported to the United States.

The period for which we are measuring subsidization is the corporate fiscal year 1981, which runs from July 1, 1980 through June 30, 1981.

Analysis of Programs

In it response, the government of South Africa provided data for the applicable period. Additionally, we received information from ISCOR, which produced and exported carbon steel wire rod to the United States during 1981. Throughout this notice, the general principles applied by the Department of Commerce to the facts of this investigation are described in detail in Appendices 2 and 4 which accompany the notice of "Final Affirmative Countervailing Duty Determination, Carbon Steel Wire Rod from Belgium," in this issue of the **Federal Register.** Based upon our analysis of the petition and response to our questionnaire, we determine the following.

I. Programs Determined To Be Bounties or Grants to Manufacturers, Producers, or Exporters of Carbon Steel Wire Rod

We determine bounties or grants are being provided to manufacturers, producers, or exporters in South Africa of carbon steel wire rod under the programs listed below.

A. Assumption of Finance Charges

In 1978 The government of South Africa assumed R70 million of ISCOR's finance charges. Under the grants methodology described in Appendix 2, we treated this payment as a grant, and allocated the amount over 15 years, the average life of capital assets in integrated steel mills. Using this methodology, we calculated a benefit of 0.35 percent *ad valorem.*

In our preliminary determination, we calculated the benefit of this program as though the grant were given in 1977, using the discount rate for that year, following our then existing methodology. Since the grant was actually given in 1978, we are now using the appropriate discount rate for 1978, which is lower. This results in a benefit of 0.35 percent instead of 0.5 percent.

B. Railroad Rate Differential

The South African Transport Services (SATS), a government-owned corporation, maintains a rate schedule that generally provides railroad rates for shipments destined for export that are lower than domestic rates.

ISCOR used rail transport for its exports of carbon steel wire rod. The export rate is approximately 50 percent of the domestic rate. In our preliminary determination, we found this program to be a bounty or grant, and we calculated its benefit by dividing the differential per ton by the per ton value of the appropriate product.

As stated in our preliminary notice, SATS maintains that its export rates are "cost justified," and that the difference between the domestic and export rates reflects the difference in the cost of handling the two types of traffic.

SATS has demonstrated that rate differentials between domestic and export steel shipments are generally cost justified. It has shown that the ratio of revenues to costs in export shipments of steel is greater than the similar ratio for most domestic shipments. The exception was certain domestic steel shipments railed under the same conditions as exports. Prior to April 1, these were charged higher rates than exports. Necessarily, the revenue-to-cost ratio for these shipments exceeded the normal ratio for domestic shipments.

During our verification we found that steel for export is shipped in "full-truck loads" (full cars) and 39-car trains. The mill is charged for a fully loaded car whether or not it is able to fill the car completely. These trains are moved to the harbors as complete units. The only handling required is the changing of locomotives on various parts of the lines. At the ports the harbor administration unloads the train and loads the ships; for this service a separate fee is charged.

In contrast, domestic shipments are charged rates on a per ton basis. The railroad moves the cars from the mill to a marshalling yard where they are transferred to other trains for hauling to their destination. (Marshalling may occur more than once during any shipment.) At the destination the railroad is responsible for unloading the train.

SATS has made available to domestic steel shippers, effective April 1, 1982, the same rates export shipments enjoy if the domestic shipments meet the same loading and point-to-point conditions imposed on export shipments.

Based on the availability of the lower rate to all domestic steel shippers meeting the conditions imposed on export shipments of steel, we determine that the rate afforded by SATS to exporters of carbon steel wire rod is not provided on terms more favorable than those for domestic shippers and that it does not constitute a bounty or grant in this case for shipments exported after April 1, 1982. For shipments prior to April 1, 1982, we find the bounty or grant to be 5 percent *ad valorem* based on the difference in the full truckload rate available to exporters and the per ton rate available to domestic shippers.

C. Export Incentive Program—Category C (Finance Charges Aid Scheme)

The South African government provided for a tax-free rebate to certain firms increasing the value of their exports of manufactured goods. The rebate was equal to 25 percent of the interest costs for financing exports. ISCOR benefited from this program in 1981. However, as this program was terminated on April 1, 1982, we are not including this benefit in our calculation of the bounties or grants on shipments after that date. For shipments prior to April 1, 1982, we calculated a benefit of 1.2 percent *ad valorem.*

D. Central Government Rebate

The government of South Africa offered a "Central Government Rebate" of up to 25 percent of the railroad charges on products shipped in open railway cars for export. ISCOR benefited from this program in 1981. However, as this program was terminated on April 1, 1982, we are not including this benefit in our calculation of the bounties or grants on shipments after that date. For shipments prior to April 1, 1982, we find the benefit under this program is 1.25 percent *ad valorem.*

II. Programs Determined Not To Be Bounties or Grants to Manufacturers, Producers, or Exporters of Carbon Steel Wire Rod

Based upon our verification, we determine that bounties or grants are not being provided to manufacturers, producers, or exporters in South Africa of carbon steel wire rod under the following programs:

Government Equity Participation in ISCOR

The government of South Africa owns over 99 percent of the outstanding shares of ISCOR. The remaining shares are not publicly traded. The petitioners alleged that the purchase of equity by the government represents a bounty or grant. In our preliminary determination, we made the tentative judgment, based on ISCOR's financial statements, that the purchase of share capital in ISCOR by the government was inconsistent with commercial considerations, and therefore potentially a bounty or grant.

We then measured the value of the bounty or grant by comparing the government's rate of return in 1981 on its equity investment in ISCOR with the national average rate of return in 1981 on equity investments in South Africa as evidenced by the report of the South African Reserve Bank. We then multiplied this difference by the amount of the government equity infusions since 1974. We preliminarily found the value of the benefit, allocated over total ISCOR sales, to be 3.7 percent *ad valorem*.

ISCOR has provided additional information to suggest that the government's equity infusions were consistent with commercial considerations, and therefore not a bounty or grant. ISCOR's income statements in its annual reports are based on an inflation-based accounting system which charges to production costs the increased replacement costs of fixed assets. This expense item is in addition to normal depreciation. While approved and recommended, this practice is not followed by most South African companies. However, ISCOR has been using it since 1952.

The effect of this practice on ISCOR is to understate its profit performance *vis-a-vis* companies not using the inflation-based system. When the provisions for increased replacement costs are added back to profits, ISCOR's performance changes dramatically. Instead of two profitable years in the last eight, ISCOR showed profits in six of those years.

Moreover, we have found that ISCOR's non-payment of taxes in those years is not related to a poor profit performance, but instead to significant write-offs for major capital expenditures made during earlier periods. These write-offs are not preferential under South African tax law.

For these reasons we determine that the South African government's purchase of ISCOR's share capital was not inconsistent with commercial considerations, and therefore is not potentially a bounty or grant under the Act.

ISCOR Loan Guarantees

The petitioners alleged that the South African government's ownership of ISCOR allows the company to receive loans at interest rates lower than if the company were privately held. In our preliminary determination, we estimated the benefit from loan guarantees based on the best information available. ISCOR has since presented information on all its loans outstanding during the period for which subsidization is being measured.

Government ownership of a firm does not implicitly guarantee the debt of the firm, and thus does not confer *per se* a bounty or grant. An explicit loan guarantee by the state, on the other hand, bestows a benefit to the extent that the recipient of the guaranteed loan pays less for the debt than it would have absent the guarantee. In ISCOR's case we found that only certain of the company's loans obtained in foreign countries were guaranteed by the government. Those loans of ISCOR's which were guaranteed carried rates generally higher than the rates for long-term corporate bonds in the countries in which they were received. The long-term corporate bond rate is the rate we selected as our measure of debt incurred solely on the basis of commercial considerations. Therefore, we determine that the guarantee of ISCOR's loans by the government did not provide a benefit which is a bounty or grant in this case.

Export Credit Insurance

The Credit Guarantee Insurance Company ("CGIC") offers export credit insurance to qualifying export companies. No other insurance company is known to provide similar coverage. According to its annual reports, CGIC's insurance premium rates appear to cover the longterm operating costs and losses of the program. Therefore, we find that the program does not constitute a bounty or grant.

Employee Training Programs

The South African Department of Manpower certifies training programs to the taxing authority which allows businesses to deduct 200 percent of qualified training expenses. The Department of Manpower has demonstrated that all qualified training programs are available to all companies and industries and that they are neither restricted to certain sectors of the economy nor preferential to exporters. Therefore, we find the tax benefits from the training programs not to be bounties or grants.

Reduced Ocean Freight Rates

The petitions alleged that South African shippers benefited from reduced ocean freight rates. We could find no evidence of such a program. We did find evidence of rate negotiation between shippers and carriers; however, this did not constitute a bounty or grant under the Act.

III. Programs Determined Not To Be Used by Manufacturers, Producers, or Exporters of Carbon Steel Wire Rod

We determine that the following programs, which were alleged by the petitioners to confer bounties or grants, are not used by the manufacturers, producers, or exporters in South Africa of carbon steel wire rod.

- Pre- and post-shipment financing,
- Export incentive program—category A, B and D,
- Beneficiation allowances for base mineral processing,
- Homeland development, and
- Iron/steel export promotion scheme

Comment 1: The petitioner argues that the magnitude of the railway rate differential cannot be explained by difference in cost experience, and therefore, exports of steel wire rod are railed at rates more favorable than domestic shipments. This constitutes a bounty or grant.

DOC Position: During our verification we were presented with data that demonstrates that export shipments of all of the subject product return a higher percentage of revenues relative to cost than do domestic shipments of the same products. The data which we examined were the railroad's standard costs applied against its work performance factors. These latter numbers reflected the railroad's actual experience in moving steel from the mills to the ports. The ratio of revenues to cost generated from that traffic results in a larger number than the similar ratio for traffic moved under domestic conditions. As explained above, generally the conditions under which domestic and export traffic move are significantly different. Additionally, the railroad has provided us with information that indicates it now offers the lower rates to domestic shippers who meet the same

conditions that export shippers must meet to obtain the lower rates. This provision is effective April 1, 1982. With this change, there is no further question that export shipments of steel in open cars receive rates more favorable than similar domestic shipments.

Comment 2: The petitioner argues that adjustments to ISCOR's financial statments to reflect its use of a replacement cost inflation factor is improper. They also provide quotes from ISCOR's annual reports which suggest that investments in steel in general, and in ISCOR in particular, were not prudent in the period 1974 to 1980.

DOC Position: ISCOR's use of the replacement cost inflation factor in its accounts is a conservative accounting procedure. It understates the firm's profits relative to other firms not using the system. Therefore, in order to place ISCOR's performance in its proper perspective, an adjustment must be made. When that adjustment is made, ISCOR's profits, while not high, are in a range that could be expected to attract certain investors.

The quotations supplied are not sufficient to demonstrate that investment in ISCOR by the government was unreasonable. We do not find the government's purchases of equity in ISCOR to be based on terms inconsistent with commercial considerations.

Comment 3: The petitioner cites the eight years in which ISCOR did not pay taxes as proof of its unprofitable condition.

DOC Position: We have found that ISCOR's non-payment of taxes in those years was not related to poor profit performance, but instead to significant write-offs for major capital expenditures made during the early and mid-seventies. These write-offs can be carried forward until exhausted. They are not preferential under South African tax law.

Comment 4: The petitioner argues that the government's ownership of ISCOR provides an implied guarantee of all the company's loans.

DOC Position: Government ownership of a firm does not implicitly guarantee the debt of the firm, and thus does not confer *per se* a bounty or grant. Where ISCOR's loans *were* guaranteed by the South African government, we found that those guarantees did not allow the company to obtain loans at interest rates lower than if the loans had not been guaranteed.

Comment 5: The petitioner argues that the benefit received in a homelands region by one of ISCOR's subsidiaries is a bounty or grant affecting ISCOR's steel production.

DOC Position: The subsidiary located in the homeland does not manufacture these steel products or produce any inputs for them. The steel that it handles is not exported to the United States. Therefore, the benefits received by the subsidiary do not constitute a bounty or grant on steel exports to the United States.

Comment 6: The petitioner alleges that employee training allowances are provided only to specific groups of industries and not to all; therefore, training benefits are countervailable. Further, the petitioners argue that even if the benefits of this program are available to all, they are still bounties or grants.

DOC Position: The Department finds that the training benefits are available to any industry or group of industries on an equal basis and that the present participation in the program demonstrates this general availability. Eligibility requirements do not limit the benefits of the program to particular companies or industries. Any corporation which sets up a qualified training program is eligible for the 200 percent tax deduction. These training programs are generally available on equal terms to all companies. As explained in Appendix 2, our interpretation of the Act and past practice is that generally available benefits are not bounties or grants. Since we determine that this program is generally available, we find it does not confer counter vailable benefits under the Act.

Comment 7: The petitioner suggests that because ISCOR did not supply us with sufficient information regarding their loans prior to verification that we should not have accepted that information subsequently and presumably, although he does not explicitly state, our decision should be based on the best information otherwise available.

DOC Position: While ISCOR did not provide us with all of the required information prior to our verification, it did give us that information at verification. While in general we strongly prefer to have complete information prior to verification, we view this action in this instance as not significantly impeding our investigation, and as such, we have no reason not to use this verified information.

Comment 8: The petitioner argues that the government's waiver of dividend payments is a demonstration that its participation in ISCOR is for objectives other than commercial considerations.

DOC Position: Our principal consideration in judging whether a government's participation in a firm is consistent with commercial consideration is the level of returns on equity. After restating ISCOR's performance in historical cost terms we find the returns on equity to be sufficient to warrant making that judgement affirmatively. The fact that the government chose not to take capital out of the firm in the form of dividends is not enough, in and of itself, to make us change our position.

Verification

In accordance with section 776(a) of the Act, we verified the data relied upon in our final determinations. During this verification, we followed standard procedures, including inspection of documents, discussions with government officials and on-site inspection of manufacturer's operations and records.

Suspension of Liquidation

The suspension of liquidation ordered in our preliminary determination shall remain in effect until further notice. The total net bounty or grant for carbon steel wire rod exported before April 1, 1982 and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice is 7.8 percent *ad valorem*. For shipments exported on or after April 1, 1982 and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice the total bounty or grant is 0.35 percent, a rate we consider *de minimis*. (For duty deposit purposes: 0.0 percent.)

As required by section 706(a)(3) of the Act, cash deposits of estimated countervailing duties in the amounts specified above of th f.o.b. invoice prices shall be required on shipments of the subject products entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

The Department intends to complete an administrative review of these determinations and orders under section 751 of the Act.

This determination and order are published in accordance with sections 705(d) and 706(a) of the Act.

Dated: September 21, 1982.

Lawrence Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 82-26457 Filed 9-24-82; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Wire Rod From Brazil; Suspension of Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of suspension of investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving carbon steel wire rod from Brazil. The basis for the suspension is an agreement by the government of Brazil to offset with an export tax all benefits which we find to be subsidies on exports of the subject product to the United States.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Case History

On February 8, 1982, the Department of Commerce (the Department) received a petition from Atlantic Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation, Keystone Consolidated Incorporated, Korf Industries Incorporated, Penn-Dixie Steel Corporation and Raritan River Steel Corporation, filed on behalf of the U.S. industry producing carbon steel wire rod. The petition alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Brazil of carbon steel wire rod.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on March 1, 1982, we initiated a countervailing duty investigation (47 FR 9261). We stated that we expected to issue a preliminary determination by May 4, 1982. We subsequently determined that the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until July 8, 1982 (47 FR 17319).

We presented a questionnaire concerning the allegations to the government of Brazil in Washington, D.C. on May 25, 1982, we received the response to the questionnaire. During August 2–6, 1982, we verified this information by a review of government documents and company books and records of Companhia Siderurgica Belgo-Mineira (Belgo-Mineira) and Companhia Siderurgica Da Guanabara (COSIGUA), the only known exporters in Brazil of carbon steel wire rod to the United States.

On July 8, 1982, we preliminarily determined that the government of Brazil is providing subsidies to manufacturers, producers, or exporters of carbon steel wire rod under six programs. The programs preliminarily found to confer subsidies were IPI rebates for capital investment, the IPI export credit premium, preferential working capital financing for exports, an income tax exemption for export earnings, benefits on machinery imported under the Industrial Development Council program, and accelerated depreciation for Brazilian-made capital goods. Based upon verification, we also found benefits constituting subsidies were received on export credits provided through Resolution 68. This program is countervailable because it gives export credits to importers at preferential interest rates.

Notice of the preliminary affirmative countervailing duty determination was published in the **Federal Register** on July 14, 1982 (47 FR 30550). We directed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise, entered or withdrawn from warehouse, for consumption on or after July 14, 1982, and to require a cash deposit or bond in the amount of 14.31 percent of the f.o.b. value of the merchandise.

On August 20, 1982, the Department initialed a proposed agreement to suspend the countervailing duty investigation involving carbon steel wire rod from Brazil. The basis for the proposed agreement to suspend was that the government of Brazil would offset by an export tax the entire amount of benefits we found to confer subsidies on exports of carbon steel wire rod to the United States.

On the same date, in compliance with the procedural requirements of section 704(e) of the Act, we called counsel for the petitioners informing them of the proposed agreement. At that time, we discussed the essential points of the proposed agreement and offered to answer any questions. These parties also received a copy of the proposed agreement on that date.

Scope of the Investigation

The product covered by this investigation is carbon steel wire rod manufactured in Brazil and exported, directly or indirectly, from Brazil to the United States. The term "carbon steel wire rod" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.02 inch nor over 0.74 inch in diameter, not tempered, not treated, and not partly manufactured, and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States*.

The period for which we are measuring subsidization is calendar year 1981.

Changes Since the Preliminary Determination

(1) *IPI Export Credit Premium.* Our preliminary determination on this program was based on IPI credits received from July 1, 1981 to March 31, 1982, divided by the value of exports for the same period. We noted at the time our concern that the subsidy may have been understated.

At verification, this concern proved correct. The companies record IPI credits when received, which are based on shipments that may have taken place two to three months before. The export figures we used as the denominator bear little relation to the IPI credits received during the same period.

To calculate the value of the IPI credits, we sampled Belgo-Mineira's and COSIGUA's receipts of IPI credits and traced each to the appropriate shipment. We established that the only deduction made from the value of the shipment before the IPI credit is calculated is an agent fee and that not all shipments have this deduction. For each shipment, we calculated the value of the IPI credits as a percentage of the gross value of the shipment. We made this calculation as of the date of the shipment rather than the date of receipt of the IPI credits, not taking into account the devaluation of the cruzeiro in accordance with section 771(6)(B) of the Act.

Instead of the 10.63 percent *ad valorem* subsidy reported in our preliminary determination, we calculated a benefit of 14.89 percent. This rate was based on the 1981 export credit premium of 15 percent. To determine the appropriate export tax, we are prorating the IPI credit found on all carbon steel wire rod shipments by the appropriate rates in the phase-out schedule of the IPI set out below:

September 30, 1982—December 30, 1982=11.0 percent

December 31, 1982—February 15, 1983=9.0 percent

February 16, 1983—April 1, 1983=4.5 percent

April 2, 1983 onward=0 percent

(2) *Export Credits Under Resolution 68.* During verification we discovered that loans at preferential rates had been contracted under this program in 1981.

Normally, we do not consider that benefits are received from loans at preferential rates until payment is due. In this case, the first of four semi-annual payments by importers on all of the loans taken out under this program was not due until after the end of the review period. Consequently, there was no benefit to exports of wire rod to the United States under this program in 1981. However, the suspension agreement obligates the government of Brazil to offset, by an export tax, all current benefits on wire rod exports to the United States. Without a value as yet for 1982 exports, we must estimate the current level of subidy. Based on 1981 exports to the United States we estimate that the benefit from the loans learned about at verification is about 0.5–0.75 percent. Any new loans since that time would, of course, increase this benefit.

(3) *Long-Term Loans.* We stated in our preliminary determination that we required additional information on long-term loans to Belgo-Mineira and COSIGUA before making a determination on the allegation that such loans confer subsidies. At verification, we examined several foreign currency loans and found that such loans are granted with interest rates of LIBOR plus a spread that approximates the average spread available on such LIBOR loans in Brazil. We further verified that loans from FINAME, a program of the National Bank for Economic Development (BNDE) for the purchase of capital equipment manufactured in Brazil, are fully indexed and are made at fixed real interest rates ranging from 7 to 11 percent, depending on the time the loan was granted

FINAME loans are available to a wide variety of sectors in Brazil. While the steel industry is one of the chief recipients, this appears to be warranted in view of the capital requirements of a large capital-intensive industry. Other large capital-intensive industries have received loans in similar proportions. In addition, numerous other sectors also received loans from FINAME during this period. We do not have a benchmark in Brazil for comparing the interest rates on these loans, because of a lack of alternate sources of such financing. However, the real interest rates of 7 to 11 percent are quite high by international standards. Based on the general availability of these loans, we have determined that they do not confer a subsidy.

Petitioners' Comments

The Department has consulted with counsel for the petitioners, and received the following comments from them objecting to the proposed suspension agreement. Our responses are shown for each comment.

Issues Related to the Suspension Agreement

Comment 1: The petitioners suggest that paragraph B.1.(h) be modified by inserting "including any annual review" after the phrase "in this proceeding."

DOC Position: The suggested addition is redundant. The phrase "in this proceeding" encompasses annual reviews and any action taken by the Department with respect to this case until the case is terminated or revoked.

Comment 2: The petitioners contend that the representative period chosen as a reference period for the section 704(d)(2) requirement—that exports not increase in the interim period between suspension and imposition of the export tax—perpetuates the recent surge of imports of Brazilian carbon steel wire rod into the United States.

DOC Position: We are required to select "the most recent representative period." Accordingly, we chose the period February 1982—the most recent 12-month period prior to the filing of the petition. The petitioners have contended that we should use a two-year period, 1980–1981, to reflect more accurately the long-term level of Brazilian wire rod exports to the United States. The suggested period has 19 months of non-shipment prior to entry into the market and the increase of imports. The period we have chosen begins with 6 months of non-shipment, and the time period—the 12-month period before the petition was filed—correlates with the reference period in the suspension agreement on carbon steel plate from Brazil. We note that the periods covered by this quantitative restraint is very short—until October 20, 1982, when the offsetting export tax will go into effect.

Comment 3: The petitioners request that paragraph C.2 be modified by adding the words "production, or export" after the word "manufacture," to comport with the language of the Act.

DOC Position: We have inserted the proposed amendment.

Comment 4: The petitioners state that for effective monitoring to be practicable, the agreement should require that payment of the export tax be reflected on export documents presented to the Customs Service. They claim that this would provide verification that the export tax has been paid on shipments subject to the agreement and that the Customs Service would have appropriate documentation of that fact.

DOC Position: Such a requirement would not enhance the monitoring of the agreement. The U.S. Customs Service is not the administering authority; export documents made available to the Customs Service are not normally available to the Department; and, if such information were lacking on export documents, the Customs Service would not have the authority under a suspension agreement to suspend liquidation, impose countervailing duties, or deny entry. Provided the government of Brazil can present upon request appropriate documentation that the export tax has been timely paid, the agreement can be effectively monitored.

Comment 5: The petitioners state that for effective monitoring the agreement should specify the minimum amount of information to be supplied pursuant to paragraph C.1, and that this information should include on a quarterly basis the monthly volume and value of exports of the subject product to the United States, the total amount of export tax collected and documentation of payment of the tax.

DOC Position: The suggested amendment is unnecessary because paragraph C.1 is not limiting. The Department may request, at any time, any information it deems necessary for effective monitoring of the agreement.

Comment 6: The petitioners state that the agreement should include a provision whereby the government of Brazil consents to access to verification reports by counsel for the petitioners under an administrative protective order, so that counsel may monitor independently the efficacy of the agreement.

DOC Position: Non-confidential versions of verification reports are normally available to the public. A determination concerning the request by counsel for release of the confidential version of a verification report under protective order will be made at the time such requests are submitted.

Comment 7: The petitioners state that the suspension agreement fails to fulfill the explicit statutory conditions of section 704(d)(1) of the Act that any suspension agreement be in the public interest.

DOC Position: By its terms, the suspension agreement will offset completely the net subsidy, and *a fortiori* eliminates any injury caused by the net subsidy, without the added expense to the U.S. taxpayers, petitioners, and respondents of completing the investigation.

Subsidy Issues

Comment 8: The petitioners assert that in calculating the net subsidy under Resolution 674 financing, the Department used an incorrect benchmark. They state that the Banco do Brasil rate for discounting accounts receivable is not a proper benchmark because the discounting of accounts receivable is no longer the most common method of raising working capital. Further, they state that the Department must factor in compensating balances (although illegal in Brazil) to determine an effective interest rate; that the Department has not used its own standard of a national average commercial rate as a benchmark; and that in determining that benchmark the Department should use as one basis of comparison the rate for borrowing in international financial markets.

DOC Position: The Department believes from evidence available to it that there is no meaningful commercial market for short-term working capital loans in Brazil. Instead, most firms meet their needs for working capital through the sale of accounts receivable. Therefore, the Department has determined that the discounting of accounts receivable provides the most appropriate basis for comparison.

In determining a national benchmark, the Department chose the Banco do Brasil rate because prior case precedent and statements of the government of Brazil suggested that this was the appropriate standard. As the largest single banking entity in Brazil (representing 35–40% of all banking assets), the Banco do Brasil acts as a price leader from which the rates of other banks vary. Documents received at verification support our preliminary determination in several respects. First, the Banco do Brasil discount rate is 59.6 percent, as claimed; numerous banks, both state-owned and private, discount receivables at rates near (both above and below) the rate set by the Banco do Brasil. Second, as it applies to Belgo-Mineira and COSIGUA, the market for discounting accounts receivable is still quite active. During the period of review both companies discounted a significant percentage of their domestic accounts receivable with a wide variety of banks, and used this facility as the chief method of raising working capital. During verification, we found no evidence of compensating balances in company records; the amount received by the company after discounting a receivable was the value of a receivable minus the discount rate, the Tax on Financial Transaction (IOF) and a small commission. Lastly, in the memorandum to our preliminary determination we addressed the issue of comparability between cruzeiro and foreign currency sources for working capital. Our analysis has not changed since that time.

Comment 9: The petitioners state that the Department erred in its calculation of the interest equivalent of the discount rate for accounts receivable. They assert that it is normal procedure for a bank to have recourse to the seller of a receivable in the event of non-payment and thus the sale of a receivable has characteristics similar to a loan that must be repaid by the borrower. Consequently, they assert that we must determine the interest equivalent of the discount rate in the event of repayment by the seller and then compound this rate to determine a yearly effective rate for discounting accounts receivable. This procedure would yield a rate substantially higher than the 59.6 percent rate used by the Department to determine the interest subsidy of loans under Resolution 674.

DOC Position: The Department calculated the rate of 59.6 percent based on the following: (1) That the sale of an account receivable constitutes the purchase of an asset by a bank, in which the bank absorbs the risk of non-payment; (2) that once the sale is completed, the seller has no further obligation (such as repayment with interest) to the bank; and (3) that a series of sales of accounts receivable is not equivalent to rolling over a loan where interest on the original loan is compounded. As a result, the discount rate we have used is a simple rate and additive.

If the sale of an account receivable does in fact have more the character of a loan than the sale of an asset, we may have to reassess our position. We will investigate this matter further and make any necessary adjustments in the calculation of the interest differential and the net subsidy.

Comment 10: The petitioners state that FINAME loans are preferential when compared to long-term foreign currency loans granted at LIBOR-plus-spread, and thus FINAME loans confer a subsidy.

DOC Position: Long-term financing in cruzeiros is available in Brazil only through government-controlled financial institutions. We do not have a benchmark in Brazil for fixed interest rate long-term loans to compare with the interest rates on FINAME loans. However, since these loans are indexed, the interest rates are real interest rates. This allows us to construct a benchmark based on the real interest rates of the only private long-term loans commercially available in Brazil—the foreign currency loans referred to by the petitioners. The comparison of that constructed benchmark and the interest rates on these loans, as described below, suggests that they are not made at preferential rates.

Since LIBOR loans are continually readjusted at the prevailing interest rates we constructed the benchmark by calculating the average real interest component of LIBOR-plus-spread on long-term loans to Brazil for the period 1977–81 during which these FINAME loans were made. We than compared that average real interest rate-plus-spread to the rates at which the long-term FINAME loans were made. Our comparison showed that all the FINAME loans to Belgo-Mineira and COSIGUA were made at rates above the benchmark, which indicates that they were not made at preferential rates. We will monitor loans made by FINAME to Belgo-Mineira and COSIGUA in future section 751 administrative reviews in order to evaluate whether such loans were made at preferential rates.

Suspension of the Investigation

The Department has determined that the agreement will offset the subsidies completely with respect to the subject merchandise exported directly or indirectly to the United States, that the agreement can be monitored effectively, and that the agreement is in the public interest. We find, therefore, that the criteria for suspension of an investigation pursuant to section 704 of the Act have been met. The terms and conditions of the agreement, signed September 21, 1982, are set forth in Annex 1 to this notice.

Pursuant to section 704(f)(2)(A) of the Act, the suspension of liquidation of all entries, entered or withdrawn from warehouse, for consumption of carbon steel wire rod from Brazil effective July 14, 1982, as directed in our notice of "Preliminary Affirmative Countervailing Duty Determination, Carbon Steel Wire Rod from Brazil" is hereby terminated. Any cash deposits on entries of carbon steel wire rod from Brazil pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

The Department intends to conduct an administrative review within twelve months of the anniversary date of publication of this suspension as provided in section 751 of the Act.

Notwithstanding the suspension agreement, the Department will continue the investigation if we receive such a request in accordance with section

704(g) of the Act within 20 days after the date of publication of this notice.

This notice is published pursuant to section 704(f)(1)(A) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 21, 1982.

Annex 1—Suspension Agreement—Carbon Steel Wire Rod From Brazil

Pursuant to section 704 of the Tariff Act of 1930, as amended ("the Act"), and section 355.31 of the Commerce Regulations, the United States Department of Commerce ("the Department") and the government of Brazil enter into the following suspension agreement ("the agreement") on the basis of which the Department shall suspend its countervailing duty investigation initiated on March 1, 1982 (47 FR 9261) with respect to carbon steel wire rod from Brazil. The agreement shall be in accordance with the terms and provisions set forth below.

A. Scope of the Agreement

The agreement applies to all carbon steel wire rod manufactured in Brazil and exported, directly or indirectly, from Brazil to the United States (hereinafter referred to as the "subject product"). The term "carbon steel wire rod" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.02 inch nor over 0.74 inch in diameter, not tempered, not treated, and not partly manufactured, and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States.*

B. Basis of the Agreement

1. The government of Brazil hereby agrees to offset completely the amount of the net subsidy determined by the Department to exist with respect to the subject product. The offset shall be accomplished by an export tax applicable to the subject product exported on or after October 20, 1982. The export tax shall be utilized to offset completely any benefits found to exist with respect to the following programs:

(a) The IPI export credit premium,

(b) Resolution 674 financing,

(c) Decree Law 1547 rebates for investment,

(d) Benefits on imported machinery received under the CDI program,

(e) The income tax exemption for export earnings,

(f) Export credits provided through Resolution 68,

(g) Accelerated depreciation for Brazilian-made capital goods, and

(h) Any other program subsequently determined by the Department in this proceeding to constitute a subsidy under the Act to the subject product.

The Department shall officially notify the government of Brazil of any determination made under item (h) above.

2. The government of Brazil certifies that no new or equivalent benefits shall be granted on the subject product as a substitute for any benefits offset by the agreement.

3. The offset of these benefits does not constitute an admission by the government of Brazil that such benefits are subsidies within the meaning of the U.S. countervailing duty law.

4. The government of Brazil agrees that from the effective date of the suspension of the investigation and until the imposition of an export tax no later than October 20, 1982 that completely offsets the net subsidy determined by the Department to exist, the rate of exports of the subject product will not exceed the average monthly rate of exports to the U.S. in the period February 1981–January 1982. The Department will monitor the exports of the subject product to the United States from the effective date of the suspension of the investigation until the imposition of the export tax and will issue instructions to the Customs Service to deny entry, or withdrawal from warehouse, for consumption of the subject product exported in excess of the average monthly rate in the period February 1981–January 1982.

C. Monitoring of the Agreement

1. The government of Brazil agrees to supply to the Department such information as the Department deems necessary to demonstrate that it is in full compliance with the agreement.

2. The government of Brazil shall notify the Department if any exporters of the subject product transship the subject product through third countries or apply for or receive, directly or indirectly, the benefits of the programs described in paragraph B(1) regarding the manufacture, production or export of the subject product.

3. The government of Brazil shall certify to the Department within 15 days after the first day of each three-month period beginning on January 1, 1983 whether it continues to be in compliance with the agreement by offsetting the net subsidy referred to in paragraph B(1) and whether it has substituted any new or equivalent benefits for the benefits offset by the agreement. Failure to supply such information or certification in a timely fashion may result in the immediate resumption of the investigation or issuance of a countervailing duty order.

4. The government of Brazil shall permit such verification and data collection as is requested by the Department in order to monitor the agreement. The Department will request such information and perform such verification periodically pursuant to administrative reviews conducted under section 751 of the Act.

5. The government of Brazil shall promptly notify the Department, with appropriate documentation, of any change in the amount of benefits to the subject product, of any change in the rate of the export tax, or if it decides to alter or terminate its obligations with respect to any of the terms of the agreement.

D. Violation of the Agreement

If the Department determines that the agreement is being or has been violated or no longer meets the requirements of section 704(b) or (d) of the Act, then section 704(i) shall apply.

E. Effective Date

The effective date of the agreement is the date of publication.

Signed on this 21st day of September, 1982.

For the Government of Brazil:

Luiz Felipe P. Lampreia,

Minister-Counselor, Brazilian Embassy.

I have determined that the provisions of paragraph B completely offset the subsidies that the government of Brazil is providing with respect to carbon steel wire rod exported directly or indirectly from Brazil to the United States and that the provisions of paragraph C ensure that this agreement can be monitored effectively pursuant to section 704(d) of the Act. Furthermore, I have determined that the agreement meets the requirements of section 704(b) of the Act and suspension of the investigation is in the public interest.

Department of Commerce.

By: Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-26460 Filed 9-24-82; 8:45 am]

BILLING CODE 3510-25-M

Final Affirmative Countervailing Duty Determination: Carbon Steel Wire Rod From Belgium

AGENCY: International Trade Administration, Commerce.

ACTION: Final Affirmative Countervailing Duty Determination.

SUMMARY: We have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Belgium of carbon steel wire rod, as described in the "Scope of the Investigation" section of this notice. The estimated net subsidy is indicated under the "Suspension of Liquidation" section of this notice. The U.S. International Trade Commission (ITC) will determine within 45 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–3003.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we have determined that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers,

or exporters in Belgium of carbon steel wire rod, as described in the "Scope of the Investigation" section of this notice. The following programs are found to confer subsidies.

- capital grants
- exemptions from real property tax
- exemptions from capital registration tax
- loans to uncreditworthy companies
- equity participation by the government of Belgium (GOB)
- assumption of financing costs
- preferential loans
- industrial investment loans from the European Coal and Steel Community (ECSC)
- reimbursement of worker training costs
- readaptation and retraining assistance
- funds for loss coverage

We determine the estimated net subsidy to be the amount indicated in the "Suspension of Liquidation" section of this notice.

Case History

On February 8, 1982, we received a petition from counsel for Atlantic Steel Corp., Georgetown Steel Corp., Georgetown Texas Steel Corp., Keystone Consolidated, Inc., Korf Industries, Inc., Penn-Dixie Steel Corp., and Raritan River Steel Co., filed on behalf of the U.S. industry producing carbon steel wire rod. The petitioners alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Belgium of carbon steel wire rod. Counsel for petitioners alleged that "critical circumstances" exist, as defined in section 703(e) of the Act. We found the petitions to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on March 1, 1982 we initiated a countervailing duty investigation (47 FR 9261).

Since Belgium is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the ITC of our initiation. On March 25, 1982 the ITC preliminarily determined that there is a reasonable indication that imports of carbon steel wire rod from Belgium are materially injuring, or threatening to materially injure, a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and to the Government of Belgium in Washington, D.C. On May 7, 1982 we received the responses to the questionnaires. A supplemental response was received on May 25, 1982. On July 8, 1982 we issued our preliminary determination in this investigation (47 FR 30541). This stated that the government of Belgium was providing its manufacturers, producers, or exporters of carbon steel wire rod with benefits which constitute subsidies. The programs preliminarily determined to bestow countervailable benefits were:

- "interest rebates"
- capital grants
- loan guarantees
- exemptions from real property tax
- exemptions from capital registration tax
- loans to uncreditworthy companies
- equity participation by the GOB
- assumption of financing costs
- labor assistance
- preferential loans
- industrial investment loans from the ECSC (Article 54)
- research and development aid

Scope of the Investigation

The product covered by this investigation is carbon steel wire rod. It is fully described in Appendix 1, which follows this notice.

Cockerill Sambre (Cockerill), is the only known Belgian producer and exporter of the subject product to the United States.

Cockerill Sambre is a company which resulted from the merger in June 1981 of Cockerill, which itself is a merger of several steel mills, and Hainaut-Sambre. Hainaut-Sambre was composed of three major components: Carlam, a recently constructed flat products mill which was mostly owned by Hainaut-Sambre; Thy-Marcinelle et Providence (TMP), which resulted from a merger of a Providence mill of the former Cockerill company with Thy-Marcinelle et Monceau in 1979; and the old Hainaut-Sambre Company. TMP merged with Hainaut-Sambre in 1980.

The period for which we are measuring subsidization is the calendar year 1981.

Analysis of Programs

In their responses, the GOB and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from Cockerill.

Throughout this notice, general principles applied by the Department of Commerce to the facts of the current investigation concerning carbon steel wire rod are described in detail in Appendices 2–4, which follow this notice. Where benefits were provided to the specific product, they were allocated over the value of sales of only that product in calculating the subsidy rate. Based upon our analysis of the petitions, responses to our questionnaires, our verification and oral and written comments by interested parties, we determine the following:

I. Programs Determined To Confer Subsidies

We have determined subsidies are being provided under the programs listed below to manufacturers, producers, or exporters in Belgium of carbon steel wire rod.

A. Programs Administered Under the Laws of July 14, 1966 and December 30, 1970 on Economic Expansion

The laws of July 18, 1959 and July 14, 1966 (the 1966 law) were economic development laws providing regional assistance. They predated the Law of December 30, 1970 (the 1970 law), which applies to the same regions covered by the earlier laws. The 1970 law provided for regional assistance to companies located in certain development areas to promote activities which contribute to the establishment, expansion, conversion or modernization of industrial enterprises. The 1966 law provided for assistance for economic reconversion and development of coal-producing regions and certain other regions experiencing grave and urgent problems. We have determined that benefits were provided under both the 1966 and 1970 laws (items 1–3 below) and that these benefits are countervailable because they are targeted to companies in specific areas.

1. *Capital Grants.* This program provides assistance in financing capital investments made by companies. A grant may be given which totally or partially replaces an "interest rebate" for which the investment is otherwise eligible under both laws. The methodology for calculating the subsidy value of grants is described in Appendix 2. The benefits are allocated over the average useful life of steel assets, 15 years, and are applied to the value of sales of the appropriate products of the company. Cockerill received several grants for less than $50 million. Where grants were not tied to any particular mill or product, but benefited carbon steel production, we allocated the benefits over the total sales value of carbon steel products produced by Cockerill.

The grants received by Cockerill amounted to a subsidy rate of .112 percent *ad valorem.*

2. *Exemptions from Real Property Tax.* Under the 1970 law, qualifying

investments may be granted an exemption from the real property tax levied by the state, province, or local community on the estimated rental income from fixed assets. The exemption may be granted for a period of up to five years, depending on the degree to which the investment program achieves the objectives of the 1970 law. Exemptions received by companies were treated as grants that are normally expensed in the year received and applied to the total sales value of carbon steel products of the company.

The subsidy rate for Cockerill under this program is 0.073 percent *ad valorem.*

3. *Exemptions from Capital Registration Tax.* Assets transferred to a company which makes investments pursuant to the 1970 law may be exempted from the one percent capital registration tax. We treated exemptions under this program as grants that are normally expensed in the year received. The entire amount of the benefit was allocated over the total sales value of all products of the company.

Cockerill received exemptions amounting to a subsidy rate of 0.404 percent *ad valorem.*

B. Restructuring Plan Programs

The GOB has mandated a reorganization of the steel industry in Belgium under the following enactments and agreements:

- The Reorganization Plan of 1978 (Hanzinelle Agreement)
- Council of Ministers decision of November 23, 1978
- Royal Decree of December 15, 1978
- Council of Ministers decision of May 15, 1981
- Related and additional agreements between the government and the individual steel companies

These are intended to assist the modernization of the steel industry. Specific programs include loans to uncreditworthy companies, equity participation by the GOB and assumption of financing costs. We find these programs to provide countervailable benefits.

1. *Loans to Uncreditworthy Companies.* Petitioners allege that Cockerill, Hainaut-Sambre and TMP (now merged with Cockerill) were uncreditworthy at the time that loans from government institutions were made to them. We determine Cockerill to be uncreditworthy from 1978 through 1981. The company received a large, unguaranteed private loan (for which there is no evidence of government direction) during 1977 which establishes its creditworthiness despite negative indicators. Cockerill has been uncreditworthy since 1977 for several reasons. First, the company sustained losses ranging from 2.4 to 7.3 billion Belgian francs (BF) in each of the last four years prior to its merger with Hainaut-Sambre in 1981. Second, certain significant financial ratios for this company indicate an uncreditworthy situation, including successive years (1975 through 1981) of negative cash flow and low current ratios. Third, Cockerill apparently lost access to loans from independent commercial sources after 1977. Fourth, the government-directed moratorium on Cockerill's debt service is a further indication of uncreditworthiness, as is the amount, timing and nature of some of the government equity participation.

We determine Hainaut-Sambre to be uncreditworthy from 1977 through 1981. First, Hainaut-Sambre sustained losses ranging from 0.7 to 5.4 billion BF during the five years preceding its merger with Cockerill in 1981. Second, certain significant financial indicators for this company indicate an uncreditworthy situation, including successive years (1976 through 1978 and 1980) of negative cash flow, and very low current ratios. Third, the government-directed Moratorium on this company's debt service is a further indication of uncreditworthiness, as is the amount, timing and nature of some of the government equity participation.

In our preliminary determinations, we made no decision concerning the uncreditworthiness of TMP because we lacked sufficient information to identify loans to the company. On the basis of information subsequently received we have identified separate loans made to TMP. It was therefore necessary to evaluate TMP's creditworthiness.

We determine TMP to be uncreditworthy from 1977 through 1979. First, the company sustained losses ranging from 0.5 to 1.8 billion BF in the 4 years prior to its merger with Hainaut-Sambre. Second, certain significant financial indicators for this company indicate an uncreditworthy situation, including successive years (1976 through 1978) of negative cash flow and very low current ratios. Third, the government-directed moratorium on this company's debt service is a further indication of uncreditworthiness, as is the amount, timing and nature of some of the government equity participation.

Because we consider Cockerill (and before their acquisition, TMP and Hainaut-Sambre) to have been uncreditworthy, loans and loan guarantees issued by the GOB during the period of uncreditworthiness are treated essentially as equity investments. Under the equity methodology for loans to uncreditworthy companies as discussed in Appendix 2, we compared the national rate of return on equity in Belgium to the rate realized by Cockerill. To prevent countervailing a higher subsidy amount than if the loan had been an outright grant to the company, we limited the 1981 benefit under this methodology to the result that would be found if the loans were treated as grants under the grant methodology discussed in Appendix 2. The countervailable benefit from each loan was allocated over the total sales value of all steel production of the company. Loans actually converted to equity of convertible debentures are treated separately under the section entitled "Equity Participation by the GOB," which follows.

The benefits to Cockerill under this program amounted to a subsidy rate of 1.075 percent *ad valorem.*

2. *Equity Participation by the GOB.* The GOB has purchased equity in certain steel companies and has converted "medium-" and long-term debt to equity. Equity infusions by the GOB took place as follows:

- Cockerill

1979—Converison of debt to equity and convertible debentures

1981—Conversion of debt to equity and convertible debentures; purchases of equity to cover "cash drains"

- Hainaut-Sambre

1979—Conversion of debt to equity and convertible debentures

- TMP

1979—Conversion of debt to equity and convertible debentures

Equity participation by the government is not a subsidy *per se.* Petitioners allege, however, that government infusions of equity in Belgian steel companies were made at a time when these infusions did not represent sound commercial investments. Under the methodology described in Appendix 2, the treatment of government equity in a company hinges essentialy on an analysis of the soundness of the investment. If such an investment was not reasonably sound at the time it was made, we will consider it as giving rise to a potential subsidy.

As described *supra,* all the companies listed above recorded substantial and persistent losses over the last several years. Cockerill sustained losses from 1975 through 1981. Hainaut-Sambre sustained losses from 1975 through 1980, and TMP incurred losses from 1975 through 1979.

Under normal business or financial criteria, companies exhibiting a pattern of deep or significant continuing losses and unfavorable financial ratios would not be regarded as sound commercial investments. In view of these histories of losses and other factors already discussed in the preceding section entitled "Loans to Uncreditworthy Companies," we do not regard these Belgian steel companies as representing sound commercial investments at the time the GOB acquired equity positons in them. Therefore, we determine that the equity infusions were inconsistent with commercial considerations.

Since the stocks of Cockerill, Hainaut-Sambre and TMP were traded on Belgian markets during the time span covering the government's equity infusions, we looked to the market and determined the value of the benefit by comparing the market value of these stocks at the beginning of the month in which the equity infusions were made to the actual price paid by the government. If the value paid by the GOB was greater than the market value, we treated the difference as a grant and allocated it over the average useful life of steel assets, 15 years, and over the total value of the company's sales.

In 1979 and 1981 the GOB entered into arrangements with Cockerill whereby it converted the company's debt into convertible debentures. Because these debentures will be repayable only at such time as the company makes sufficient profits to overcome its present heavy debt burden, we treated these conversions as tantamount to purchases of equity in amounts equal to the value of the debentures.

The benefit to Cockerill under this program amounted to a subsidy rate of 4.981 percent *ad valorem.*

3. *Assumption of Financing Costs.* The GOB, in addition to converting debt to debentures, has assumed all financing costs on "medium-" and long-term borrowing for Cockerill for the years 1979–83 and postponed the repayment of principal until 1984. We treated the assumption of interest charges as grants to Cockerill and followed the methodology described in Appendix 2. Because the grants under this program were not tied to specific capital equipment, we allocated the benefits over the average useful life of steel assets, 15 years, and over the total sales value of steel products produced by Cockerill.

The benefit to Cockerill under this program amounted to a subsidy rate of 2.619 percent *ad valorem.*

C. Preferential Loans

The Societe Nationale de Credit a l'Industrie (SNCI) is a lending institution created by the GOB which sets the long-term interest rates generally adhered to by private banks in Belgium. Loans were provided to Cockerill (prior to the years in which we find it to be uncreditworthy) by SNCI at interest rates lower than those provided by the lender to other customers. We treated these loans as preferential loans to the recipient companies. To calculate the benefit from these preferential loans, we followed the methodology outlined in Appendix 2.

Cockerill also received a short-term loan from the GOB in 1981 that we have determined to be preferential. For short-term benchmark rates we used the representative money-market rates for Belgium for the month the loan was received. We found the difference between the interest rate provided by the GOB and our benchmark to represent an interest subsidy to Cockerill. We calculated the interest saved by Cockerill on that loan during the applicable period of 1981 and treated it as a grant expensed in the year received.

The subsidy rate to Cockerill for this program is 0.025 percent *ad valorem.*

D. Industrial Investment Loans From the ECSC (Article 54)

For the reasons described in Appendix 3, we have determined that ECSC industrial investment loans (pursuant to Article 54 of the Treaty of Paris) provide countervailable benefits. Cockerill received such loans between 1962 and 1976. We calculated the benefits from these loans made to Cockerill by using the methodology for loans to companies not considered uncreditworthy described in Appendix 2. We allocated the benefits of these loans over the total sales value of carbon steel products of the company.

The benefits for Cockerill amounted to a subsidy rate of 0.036 percent *ad valorem.*

E. Reimbursement of Worker Training Costs

The National Employment Office in Belgium reimburses firms for various in-plant and outside professional training costs. Increased benefits are provided to enterprises located in development areas or in areas in which coal mine closings have adversely affected the economic or social situation in the area. We have determined that this program is countervailable because of its regional nature.

The benefit of Cockerill amounted to a subsidy rate of 0.014 percent *ad valorem.*

F. Readaptation and Retraining Assistance

The GOB finances a portion of readaptation and retraining assistance for laid-off employees under Article 56 of the ECSC Treaty (described in Appendix 3). The program provides for the assumption by the government of a portion of the training costs of the steel companies for the re-employment of laid-off workers. We have determined that laid-off workers are being retrained to assume jobs in the steel industry and that the assistance is, therefore, a subsidy to a participating steel company.

The benefits to Cockerill amounted to a subsidy rate of 0.045 percent *ad valorem.*

G. Funds for Loss Coverage

The GOB has provided equity infusions to Cockerill for "cash drains." These funds have been treated as grants used to cover operating deficits. Since these funds were for loss coverage, the benefits were used fully in the year received (see Appendix 2).

The benefits to Cockerill amounted to a subsidy rate of 3.841 percent *ad valorem.*

II. Programs Determined Not To Confer Subsidies

We have determined that subsidies are not being provided under the following programs to manufacturers, producers, or exporters in Belgium of carbon steel wire rod.

A. Environmental Incentives

The GOB provides funding for certain environmental projects. Cockerill received small grants under this program. We have reviewed the applicable laws and have found no provisions which limit aid for environmental projects to specific industries or regions. Since the grants are generally available and we have no evidence that the steel industry in Belgium is a major beneficiary, we have determined that this program does not provide subsidies to the steel industry.

B. Assistance to the Coal Industry

In our preliminary determination, we found that subsidies to Belgian coal producers did not bestow a countervailable benefit upon the production, manufacture or export of Belgian steel.

Between the preliminary determination and this final

determination, we have analyzed and verified aspects of the Belgian coal subsidy program as it applies to steel. Based upon the verified information in the records of these investigations, we find that this program does not confer a countervailable benefit on Belgian steel producers for the following reasons.

Benefits bestowed upon the manufacturer of an input do not necessarily flow down to the purchaser of that input, if the sale is transacted at arm's length. In an arm's-length transaction the seller generally attempts to maximize its total revenue by charging as high a price and selling as large a volume as the market will bear.

These principles apply to Belgian coal sales as follows. With respect to sales of Belgian coal outside Belgium, the price charged for subsidized Belgian coal certainly does not undercut the freely available market price. Therefore, non-Belgian purchasers of subsidized Belgian coal do not benefit from Belgian coal subsidies.

In support of this conclusion, we note that if non-Belgian steel producers did benefit from Belgian coal subsidies, they would attempt to purchase more Belgian coal rather than unsubsidized coal from other sources, including the U.S. The fact that they purchase significant amounts of unsubsidized coal from other sources indicates that the subsidies on Belgian coal do not flow to non-Belgian coal consumers.

Moreover, it is extremely unlikely that the Belgian government would subsidize non-Belgian coal consumers unless compelled to do so by obligations to the European Communities.
Since there is no evidence of such obligation, we conclude that the Belgian government is not in fact subsidizing non-Belgian coal consumers.

With respect to sales of Belgian coal within Belgium—which account for the vast majority of all sales of Belgian coal—we likewise find that the price of Belgian coal does not undercut the market price. Absent special circumstances warranting a contrary conclusion, Belgian steel producers apparently do not benefit from Belgian coal subsidies at least as long as the price for Belgian coal does not undercut the market price.

Further consideration is warranted for two reasons. First, the major Belgian coal producer and Cockerill are both largely government-owned. The issue arises whether transactions between them are conducted on an arm's-length basis. We do not believe that government ownership *per se* confers a subsidy, or that common government ownership of separate companies necessarily precludes arm's-length transactions between them. To determine whether coal sales between Belgian government-owned coal and steel producers appear to have been consummated on arm's-length terms, we considered two factors: (1) Whether the government-owned coal producer sold to the government-owned steel producer at the prevailing market price, and/or (2) whether the government-owned coal producer sold coal at the same prices to steel producers not owned by the government (*e.g.*, Clabecq). We found that Belgian coal producers did charge the prevailing market prices, and that the same coal prices were charged regardless of whether the purchaser was or was not Belgian government-owned. On this basis, we conclude that coal subsidies were not conferred on steel producers as a result of government ownership.

Second, we were told by one Belgian government official that Belgian steel companies are pressured to purchase all coking coal produced by Belgian coal companies at the price established by the government, based upon market prices. This indicates that there are *de facto*, although not *de jure*, restrictions on the importation of coal into Belgium. However, the Belgian coal companies collectively produce only enough coking coal to satisfy less than 50% of the Belgian steel companies' requirements. Therefore, the market prices outside Belgium remain relevant, both directly for the coking coal purchased outside Belgium, and indirectly for the Belgian coking coal since the Belgian price is based on market prices outside Belgium.

Moreover, there is no evidence that the Belgian government would pressure Belgian steel producers to buy Belgian coal if the price for such coal were to rise significantly above the market price—a factor over which the Belgian government has control since it establishes prices.

Based upon the above considerations, we determine that Belgian coal subsidies do not confer upon Belgian steel producers a subsidy within the meaning of the Act.

Regarding the allegation that the Belgian steel industry benefits from German government assistance provided to the coal industry in the FRG, we do not consider such assistance to confer a countervailable benefit on the Belgian steel industry for the reasons outlined in Appendix 2.

The ECSC provides various production and marketing grants to ECSC coal and coke producers. However, we do not consider this assistance to confer a countervailable benefit on the Belgian steel industry for the reasons described in Appendix 3.

C. Programs Contained in the Law of July 17, 1959 for Economic Expansion

The Law of July 17, 1959 for economic expansion (the 1959 law) contains programs which are designed to promote economic expansion and modernization. The 1959 law provides for interest rebates, grants for capital investments, government loan guarantees, exemptions from property taxes on investments approved under the law and grants for research and development (R.&D.). Cockerill received benefits under this law, but these benefits are generally available to all industries in Belgium on equal terms, and we have no evidence that the steel industry in Belgium is a major beneficiary. Thus, absent other evidence of preferentiality, the benefits under this law are not countervailable.

D. GOB Advances for R&D Under the Economic Expansion Laws

Interest-free advances can be provided under the 1959 law and the 1970 law up to a maximum of 80 percent of the expense incurred for the R&D of prototypes. The GOB responded that it has provided this type of aid to the steel industry under the 1959 law, which we have concluded does not confer countervailable benefits, as discussed above.

E. Supplier Credit

Subsequent to the preliminary determination in this investigation, it was alleged in the case of Certain Steel Products from Belgium that, but for government assistance, Cockerill would not have been able to obtain supplier credit. We have no information that would cause us to believe that the supplier credits are provided on terms inconsistent with commercial considerations. Since these credits have been provided by independent, private sources and we have no evidence that the GOB has influenced financial institutions in this regard, we have determined that this program does not provide subsidies to the steel industry. For further discussion of this program, see Appendix 2.

F. Maribel Program

Subsequent to the preliminary determination in this investigation, it was alleged in the case of Certain Steel Products from Belgium that Belgian steel producers benefited from a change in the social security system instituted on July 1, 1981. Under the "Maribel Program," contributions to social security programs by employers of manual workers were reduced by 6.17 percent. Counsel for Bethlehem

maintains that since the program is restricted to manual workers, it provides benefits to a specific industry or group of industries and is, therefore, countervailable. We have decided that assistance to virtually all manual workers does not create a program targeted to steel or to a specific enterprise or industry or group of enterprises or industries. Therefore, we determine that the program does not confer countervailable subsidies to the steel industry.

G. Labor Assistance (Prepension Program)

The government-mandated restructuring of the steel industry included provisions for the early retirement of certain workers. The government assumed responsibility for funding costs for which the company would not normally be obliged. We have determined that this government assistance does not confer countervailable benefits to the companies because it is really extra assistance to the workers passed through the companies.

H. Research and Development (R&D) From the GOB

The GOB provides R&D funds to a wide range of disciplines through the Institute for Scientific Research in Industry and Agriculture (IRSIA). Funding is provided for projects which "ensure the progress" of industry and agriculture. IRSIA is administered by a board of directors which has representation from various sectors of industry and agriculture, trade unions and educational institutions.

In the preliminary determination the Department considered that this program conferred countervailable benefits to Cockerill because of direct grants to it by IRSIA. Because of the broad scope and administration of the IRSIA program, we have determined that the program is not countervailable since there is no evidence of targeting funds for an industry under investigation. In the 1980–81 research cycle, approximately 11 percent of IRSIA's budget went to the entire metallurgical sector for research involving steel and non-ferrous metals.

III. Programs Determined Not To Be Used

We have determined that the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigations" were not used by the manufacturers, producers, or exporters in Belgium of carbon steel wire rod.

A. Accelerated Depreciation

Companies that receive investment benefits provided for by the 1970 law may take twice the normal annual straight-line depreciation for assets acquired as the result of the investment. The benefit from the program is reduced taxable income. Cockerill had losses during the period for which we are measuring subsidization greater than the amounts that would have been saved by use of accelerated depreciation.

B. Employment Premiums

Article 14 of the 1970 law provides for employment premiums for investments that create new jobs. The assistance may be given for new enterprises or for the expansion of existing enterprises. Nonrepayable premiums may be paid for as long as five years depending on the rate at which new jobs are created and filled. We have found no evidence that Cockerill participated in this program. Employment has dropped approximately 30 percent in the steel industry as the result of actions taken under the steel industry restructuring plan.

C. Contractual Aid

The 1970 law provides for aid in realizing specific objectives related to certain long-term, large scale investments. The government and an enterprise negotiate the specific terms of the program and enter into a "progress contract." The GOB has stated that this provision of the 1970 law has not been applied. Companies may also receive aid for reorganizations. Under "management contracts," the government may grant interest-free aid, to be repaid within three years, for up to 75 percent of management advisory fees. The GOB stated that of the twelve management contracts it has entered into, none were with steel companies.

D. Export Assistance

Certain export assistance programs, such as export financing and commercial risk guarantees, are provided by the Office National du Ducroire. We have found no evidence that Cockerill has received assistance under this program.

E. The European Regional Development Fund (ERDF)

On the basis of our investigations we have concluded that Cockerill has not received ERDF funds (see Appendix 3).

F. European Investment Bank (EIB)

We have determined that Cockerill did not carry loans from the EIB in 1981 (see Appendix 3).

G. Loan Guarantees From the ECSC

We have determined that Cockerill did not receive loan guarantees from the ECSC. For further discussion of this issue, see Appendix 3.

H. "Interest Rebates"

"Interest rebate" programs are administered by the Ministry of Economic Affairs. The rebates may be given on investment loans for tangible and intangible assets. The law also provides for "interest rebates" on interest payable by the companies to holders of bonds and convertible debentures. Rebates are variable depending upon the degree to which the investment projects meet the objectives of the 1970 law.

Upon verification we discovered that Cockerill did not receive "interest rebates" during the period for which we are measuring subsidization.

I. ECSC Interest Rebates and R&D Grants

We have determined that Cockerill did not participate in this program. For our treatment of these programs in general, see Appendix 3.

J. Reduction of Capital Gains Tax

Capital gains on the sales of tangible property may be exempt from corporate taxes if receipts are reinvested in Belgium in the development areas of the 1970 law within one year of the end of the tax period. We have determined that Cockerill did not receive any benefits under this program.

K. Employment Premiums for New Workers and Trainees

The "De Wulf Plan" (Royal Decree of October 15, 1979) grants employment premiums of 62,500 BF per quarter to companies that reduce their work week and increase their labor force. Under another plan, 30,000 BF may be paid for each trainee in excess of a number equaling one percent of the workforce of a company in 1980 and 1981. We have no evidence that Cockerill participated in this program.

Petitioners' Comments

Comment 1: Counsel for petitioners argue that programs contained in the Law of July 17, 1959 for economic expansion are countervailable and that the Department's interpretation of specificity under the Act is incorrect.

DOC Position: Two laws were passed in July 1959. Programs under the Law of July 18, 1959 are countervailable on the basis of regional preferentiality. Programs under the Law of July 17, 1959 are not countervailable because they are

available to companies in all regions and are not directed to a specific enterprise or industry or group of enterprises or industries. See Appendix 4 for a discussion of the Department's interpretation of preferentiality under section 771(5) of the Act.

Comment 2: Counsel for petitioners argue that the availability of unsubsidized substitutes for Belgian coal at comparable prices does not obviate the conclusion that Belgian coal subsidies provide a countervailable benefit to the steel industry. Petitioners state that Belgian coal subsidies are targeted to the steel industry. They argue further that transactions between Belgian coal and steel producers are unlikely to be conducted at arm's length since both buyer and seller are government-owned.

DOC Position: In our preliminary determination, one reason cited for concluding that Belgian subsidization of its coal industry does not indirectly subsidize its steel industry is that Belgian governmental assistance is provided to producers of all types of coal, not just coking coal. On this basis, we preliminarily determined that assistance does not subsidize "* * * a specific enterprise or industry or group of enterprises or industries" under investigation.

Upon verification, we determined that the great majority of subsidized Belgian coal is coking coal, which is used primarily by the steel industry (although the Belgian steel industry acquires 55–60 percent of its coking coal from foreign sources, including the U.S.). In this final determination, therefore, we are basing our determination on a different basis, as indicated *supra*. Also as explained *supra*, we do not believe that govrnment ownership of separate companies necessarily precludes them from conducting some transactions on an arm's-length basis. Since the major Belgian coal producer and Cockerill are both largely government-owned, we consider whether (1) the coal prices charged to Cockerill were at the prevailing market rates; and (2) whether the same prices were charged to Cockerill and to othe steel producers not owned by the Belgian government. Since we reached affirmative determinations in both cases, we concluded that it is reasonable to assume that coal transactions between the Belgian government's coal producer and Cockerill were conducted on an arm's-length basis.

Comment 3: Petitioners claim that there are implicit restrictions on the amount of coal Belgian steel companies can buy from abroad.

DOC Position: As indicated *supra*, and in the Department's verification report concerning the GOB, there is some evidence that Belgian steel companies are pressured by the Belgian government to purchase the entire output of Belgian coal companies. (There is no evidence that there are any *de jure* restrictions on the importation of coal). However, Belgian coal producers at best can satisfy less than 50 percent of the requirements of Belgian steel producers. Therefore, market prices outside Belgium remain relevant in determining whether Belgian steel producers benefit from assistance to Belgian coal producers for the following reasons. First, the price for Belgian coal established by the Belgian government is based upon that market price, which is thus indirectly relevant. Second, over 50 percent of the Belgian steel companies' requirements for coking coal are satisfied through coking coal imports. Their prices are therefore directly relevant. Moreover, there is no evidence that the Belgian government would continue to pressure its steel producers to buy Belgian coal if the price for Belgian coal rose significantly above market price. We, therefore, determine that even if there are *de facto* restrictions on the importation of coking coal into Belgium, the Belgian steel producers nonetheless received no countervailable benefits from subsidization by the GOB of its coal industry.

Comment 4: Counsel for petitioners argue that the portion of ECSC assistance funded by producer levies is countervailable.

DOC Position: For reasons set forth in Appendix 3, we determine that the portion of ECSC assistance funded by producer levies is not countervailable.

Comment 5: Counsel for petitioners argue that the discount rate for grant calculations for uncreditworthy companies should be increased to reflect the more limited access of these companies to private funding.

DOC Position: For a discussion of this issue, refer to Appendix 2.

Respondent's Comments

Comment 1: Counsel for Cockerill argues that the Department adopted new methodologies for the calculation of subsidy rates without the normal regulatory notice and comment procedures. They stated that the concept of "creditworthiness" and the methodologies described in Appendix B of the preliminary determinations have no basis in law.

DOC Position: For a discussion of this issue, refer to Appendix 4.

Comment 2: Counsel for Cockerill argues that the stock market price used by the Department does not represent an adequate basis for comparison with the price paid by the GOB because it does not include the added value of a premium for gaining control of the company. In addition, they state the prices paid by the GOB were below book value and were comparable to those paid by purchasers of stock in other European steel mills.

DOC Position: The Department believes that the price set by the market for Cockerill's stock is the most appropriate measure of the true value of its equity. For further discussion of this issue, see Appendix 2.

Comment 3: Counsel for Cockerill argues that the Department's creditworthiness decision concerning Cockerill is incorrect. They assert that Cockerill and Hainaut-Sambre have received substantial private lending in the form of short-term loans. They further argue that the GOB does not implicitly stand behind Cockerill to help it get private credit because the GOB has let several companies it owns go bankrupt. Thus, they argue, Cockerill is creditworthy independent of the backing of the GOB.

DOC Position: Respondent argues that Cockerill is creditworthy because it has received short-term credit from private sources. We determine, however, that such lending, which is largely backed by receivables, does not imply a judgment of creditworthiness.

We determine Cockerill to be uncreditworthy from 1978 through 1981. For each of those years, various financial indicators pointed to the uncreditworthiness of the company. For further discussion of this issue, see the section titled "Loans to Uncreditworthy Companies" *supra*.

Comment 4: Counsel for Cockerill argues that programs under the law of December 30, 1970 are not countervailable for the following reasons:

- The law is regional but not targeted to specific industries.
- The 1970 law is similar to the general law of July 17, 1959.

DOC Position: The 1970 law provides benefits only to companies in certain regions. Consequently, these benefits are provided to a specific group of enterprises or industries and are countervailable under section 771(5) of the Tariff Act of 1930. Further, past administrative practice, judicial decisions, and the legislative history of the Trade Agreements Act of 1979 make

it clear that regional benefits are countervailable.

Comment 5: Respondent argues that since the 1970 law, which provides benefits only to certain regions, provides only marginally higher benefits than would be available under the July 17, 1959 law, only the incremental benefit should be countervailed.

DOC Position: The benefits to which respondents refer were provided under the 1970 law. The Department would have to ignore the facts in the record to treat benefits provided under the 1970 law as if they were provided under the July 17, 1959 law.

Comment 6: Counsel for Cockerill argues that the benefits from the capital registration tax resulted from a corporate reorganization and that similar tax exemptions exist in the United States. They state that there would have been no such benefit if the funds received from the GOB were grants rather than equity.

DOC Position: Regardless of the circumstances of the increase in capital, this exemption from a statutory obligation, provided under the regional incentive law of December 30, 1970, confers a countervailable benefit on cockerill.

Comment 7: Counsel for cockerill argues that the GOB "prepension" benefits are not countervailable subsidies. They argue that , but for these provisions, the company would have had to pay 3–6 months of severance pay to retiring workers, which is less than the obligations under the "prepension" program. They state that under the restructuring plan the government mandated these extraordinary benefits to retirees and at the same time helped the companies to pay for them.

DOC Position: The Department has determined that since the government mandated these payments to the workers as part of the steel restructuring plan, the company is merely a conduit for the flow of funds from the government to the workers, and the government's contribution is not countervailable. See additional discussions of this issue at petitioner's comment on the "prepension program" and the section of this notice titled "Labor Assistance (Prepension Program)."

Comment 8: Counsel for Cockerill argues that the largest instance of research and development funding to Cockerill was made available under the general incentive law of July 17, 1959.

DOC Position: The Department verified that this benefit was granted specifically under the law of July 17, 1959 and determined that it is not a countervailable benefit to Cockerill.

Negative Determination of Critical Circumstances

The petition alleged that imports of carbon steel wire rod under investigation present "critical circumstances." Under §§ 355.29 and 355.33(b) of the Department's regulations, critical circumstances exist when the alleged subsidies include an export subsidy inconsistent with the Agreement and there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period. We have not found any export subsidy in this investigation. Therefore, "critical circumstances" do not exist in this investigation for a carbon steel wire rod from Belgium.

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determinations. During this verification, we followed normal procedures, including inspection of documents, discussions with government officials on-site inspection of manufacturers' operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). A public hearing was held on August 11, 1982. In accordance with the Department's regulations (19 CFR 355.34 (a)), written views have been received and considered.

Suspension of Liquidation

The suspension of liquidation ordered in our preliminary affirmative countervailing duty determination shall remain in effect until further notice. The estimated net subsidy is as follows:

Manufacturer/producer/exporter	Ad valorem rate (percent)
Name:	
Cockerill Sambre	13.225
All other manufacturers/producers/exporters	13.225

We are directing the U.S. Customs Service to require a cash deposit or bond in the amount indicated above for each entry of the subject merchandise entered on or after the date of the publication of this notice in the **Federal Register.** If the manufacturer is unknown, the rate for all other manufacturers/producers/exporters shall be used.

ITC Notifications

In accordance with section 705(d) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine within 45 days of the publication of this notice whether imports of carbon steel wire rod are materially injuring, or threatening to materially injure, a U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, within 7 days of notification by the ITC of that determination, we will issue a countervailing duty order, directing Customs officers to assess a countervailing duty on carbon steel wire rod from Belgium entered or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the net subsidy determined or estimated to exist as a result of the annual review prescribed by section 751 of the Act. The provisions of section 707 of the Act will apply to the first directive for assessment.

This notice is published pursuant to section 705(d) of the Act and § 355.33 of the Department of Commerce Regulations (19 CFR 355.33).

Dated: September 21, 1982.

Lawrence Brady,

Assistant Secretary for Trade Administration.

Appendix 1.—

Description of Product

For the purpose of this investigation the term *"carbon steel wire rod"* covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured; and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States.*

Appendix 2.—Methodology

Several basic issues are common to the countervailing duty investigations of

carbon steel wire rod initiated by the Department of Commerce (the Department) on March 1, 1982; *e.g.*, government assistance through grants, loans, equity infusions, loss coverage, research and development projects and labor programs. This appendix describes in some detail the general principles applied by the Department when dealing with these issues as they arise within the factual contexts of these cases. This appendix, although substantially the same as Appendix B to the preliminary determinations (see "Preliminary Affirmative Countervailing Duty Determinations, Carbon Steel Wire Rod from Belgium (47 FR 30541)), does describe some changes in methodology. These changes are principally in the areas of the discount rate value, funds for loss coverage, and preferential loans with deferred principal payment.

Grants

Petitioners alleged that respondent foreign steel companies have received numerous grants for various purposes. Under section 771(5)(B) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1677(5)(B)), domestic subsidies are countervailable where they are "provided or required by government action to a *specific* enterprise or industry, or group of enterprises or industries" (emphasis added).

The legislative history of Title VII of the Act states that where a grant is "tied" to—that is, bestowed specifically to purchase—costly pieces of capital equipment, the benefit flowing from the grant should be allocated in relation to the useful life of that equipment. A subsidy for capital equipment should also be "front-loaded" in these circumstances; that is, it should be allocated more heavily to the earlier years of the equipment's useful life, reflecting its greater commercial impact and benefit in those years.

Prior to these cases on carbon steel wire rod, the Department allocated the face value of the grant, in equal increments, over the appropriate time period. For large capital equipment, we used a period of half the useful life of the equipment purchased with the grant. In each year we countervailed only that year's allocated portion of the total grant. For example, a hypothetical grant of $100 million used to purchase a machine with a 20-year life would have been countervailed at a rate of $10 million per year (allocated over the appropriate product group) for 10 years, beginning in the year of receipt.

This allocation technique has been criticized for not capturing the entire subsidy because it ignores the fact that money has a changing value as it moves through time. It has been argued that $100 million today is much more valuable to a grant recipient than $10 million per year for the next 10 years, since the present value (the value in the initial year of receipt) of the series of payments is considerably less than the amount if initially given as a lump sum. We agree with this position and, as indicated in the preliminary determinations, have now changed our methodology of grant subsidy calculation to reflect this agreement. As long as the present value (in the year of grant receipt) of the amounts allocated over time does not exceed the face value of the grants, we are consistent with both our domestic law and international obligations in that the amount countervailed will not exceed the total net subsidy.

The present value of any series of payments is calculated using a discount rate. As indicated in the preliminary determinations, we considered using each company's weighted cost of capital at the time of the grant receipt as the appropriate measure of the time value of its funds. However, we lacked sufficient information to do so for the preliminary determinations, and instead used the national cost of long-term corporate debt as a substitute measure of a company's discount rate.

Between the preliminary and final determinations we reviewed the comments and suggestions of various interested parties, principally contained in the pre- and post-hearing briefs. In addition, we sought the advice of an outside consultant with experience in the field of international investment banking.

On the bais of those discussions and the advice, we determine that the most appropriate discount rate for our purposes is the "risk-free" rate as indicated by the secondary market rate for long-term government debt (in the home country of the company under investigation). The basic function of the "present value" exercise is to allocate money received in one year to other years. Domestic interest rates perform this function within the context of an economy. The foundation of a country's interest rate structure is usually its government debt interest rate (the risk-free rate). All other borrowings incorporate this risk-free rate and add interest overlays reflecting the riskiness of the funded investment.

When we allocate a subsidy over a number of years it is not the intention of the Department to comment on or judge the riskiness of the project undertaken with the subsidized funds, nor to evaluate the riskiness of the company as a whole. We do not intend either to speculate how a project would have been financed absent government involvement in the provision of funds. Rather, we simply need a financial mechanism to move money through time so as to accurately reflect the benefit the company receives. We believe that the best discount rate for our purposes is one which is risk free and applicable to all commercial actors in the country. Therefore we have used in these final determinations long-term government debt rates (as reflected in the secondary market) as our discount rates.

For a costly piece of capital equipment, we believe that the appropriate time period over which to allocate the subsidy is its entire useful life. In the past, we allocated the subsidy over only half the useful life in order to "front-load" the countervailing duties, thereby complying with the legislative intent of the Act. However, so long as we allocate the subsidy in equal nominal increments over the entire useful life, it will still be effectively front loaded in real terms (as long as a positive discount rate is used) since money tomorrow is less valuable than money today.

For these steel investigations we have allocated a grant over the useful life of equipment purchased with it when the value of that grant was large (in these investigations, greater than $50 million) and specifically tied to pieces of capital equipment. Where the grant was small (generally less than one percent of the company's gross revenues and tied to items generally expensed in the year purchased, such as wages or purchases of materials), we have allocated the subsidy solely to the year of the grant receipt. We construe that a grant is "tied" when the intended use is known to the subsidy giver and so acknowledged prior to or concurrent with the bestowal of the subsidy. All other grants—the vast majority of those involved in these investigations—are allocated over 15 years, a period of time reflecting the average life of capital assets in integrated steel mills. The 15-year figure is based on Internal Revenue Service studies of actual experience in integrated mills in the U.S. Furthermore, we understand that a 15-year period is a common useful life adopted in some of the countries involved in these investigations for steel capital equipment. We are using this time period because we sought a uniform period of time for these allocations and this was the best available estimate of the average steel asset life worldwide. We could not calculate the average life of capital assets on a company-by-company basis, since different

accounting principles, extraordinary write-offs, and corporate reorganizations yielded extremely inconsistent results.

Funds to Cover Losses

In the preliminary determinations we did not distinguish funds (either in the form of untied grants or equity infusions) which were available for loss coverage from other grants or equity infusions. We stated that since grants used for loss coverage often have the effect of helping keep the firm in business, we allocated the benefit over 15 years when the funds were in the form of a grant or used the appropriate equity methodology when the loss coverage funds were in the form of equity.

Between the preliminary and final determinations we received the comments and suggestions of various interested parties principally contained in the pre- and post-hearing briefs. In addition, we sought the advice of the Department's accountants and outside consultants on the issue of the appropriate treatment of funds for loss coverage. Based on the above, we have decided not to allocate the subsidy benefit of these funds over time but rather to allocate them to the year of receipt.

We have done so on the advice of these accounting experts in order to reflect the nature of the liabilities giving rise to the loss. These liabilities are generally the basic costs of operations (*e.g.*, wages, materials, certain overhead expenses)—items generally expensed in the year incurred.

We calculated the magnitude of the loss from a company's financial statements beginning with net earnings and working back to a cash-based measure of loss. We allocated to loss coverage only those grants and equity infusions which were truly cash inflows into the company and were actually available to cover losses.

In any instances in which infusions were specifically tied to loss coverage, we allocated such infusions accordingly. If infusions were not so tied, we concluded that general, untied grants were a more logical source of loss coverage assistance than general infusions of equity. Accordingly, in making these allocations we treated funds available from grants as the primary source of monies available for loss coverage. We allocated funds available from equity infusions to loss coverage only in the absence of grants or after available grant funds had been exhausted.

We generally treated such cash inflows as covering the losses incurred in the previous fiscal year and allocated the subsidy benefit flowing from such funds to the year of their receipt. An exception was made where losses were continually covered by a special arrangement with the government (as through the use of a special reserve account). In these cases, since the funds for loss coverage were accessible as the losses arose, we allocated the benefit flowing from these funds to the period in which the losses occurred.

Loans and Loan Guarantees for Companies Considered Creditworthy

In these investigations, various loan activities give rise to subsidies. The most common practices are the extension of a loan at a preferential interest rate where the government is either the actual lender or directs a private lender to make funds available at a preferential rate, or where the government guarantees the repayment of the loan made by a private lender. The subsidy is computed by comparing what a company would pay a normal commercial lender in principal and interest in any given year with what the company actually pays on the preferential loan in that year. We determine what a company would pay a normal commercial lender by constructing a comparable commercial loan at the appropriate market rate (the benchmark) reflecting standard commercial terms. If the preferential loan is part of a broad, national lending program, we used a national average commercial interest rate as our benchmark. If the loan program is not generally available—like most large loans to respondent steel companies—the benchmark used instead, where available, is the company's actual commercial credit experience (*e.g.*, a contemporaneous loan to the company from a private commercial lender). If there were no similar loans, the national commercial loan rate is used as a substitute rate. Finally, where a national loan-based interest rate was not available, an average industrial bond rate was used as best evidence.

For loans denominated in a currency other than the currency of the country concerned in an investigation, the benchmark is selected from interest rates (either national or company-specific, as appropriate) applicable to loans denominated in the same currency as the loan under consideration (where possible, rates on loans in that currency in the country where the loan was obtained; otherwise, loans in that currency in other countries, as best evidence). The appropriate discount rate remains the risk-free rate as indicated by the secondary market rate for long-term debt obligations of the company's home country government. The subsidy for each year is calculated in the foreign currency and converted at an exchange rate applicable for each year.

After calculating the payment differential in each year of the loan, we then calculated the present value of this stream of benefits in the year the loan was made, using the risk-free rate (as described in the grants section of this appendix) as the discount rate. In other words, we determined the subsidy value of a preferential loan as if the benefits had been bestowed as a lump-sum grant in the year the loan was given. This amount was then allocated evenly over the life of the loan to yield the annual subsidy amounts. We did so with one exception: where the loan was given expressly for the purchase of a costly piece of capital equipment, the present value of the payment differential was allocated over the useful life of the capital equipment concerned.

For loans not tied to capital equipment with mortgage-type repayment schedules, this methodology results in annual subsidies equivalent to those calculated under the methodology previously employed by the Department whereby we considered the difference in total repayments in each year of a loan's lifetime to be the subsidy *in that year.* For loans with constant principal repayments (*i.e.*, declining total repayments), loans with deferral of repayments, and loans for costly capital equipment, the value method results in even allocations of the subsidy over the relevant period. This effectively front loads countervailing duties on these loan benefits in the same manner as grants are front loaded.

A loan guarantee by the government constitutes a subsidy to the extent the guarantee assures more favorable loan terms than for an unguaranteed loan. The subsidy amount is quantified in the same manner as for a preferential loan.

If a borrowing company preferentially received a payment holiday from a government lending institution or from a private lender at government direction, an additional subsidy arises that is separate from and in addition to the preferential interest rate benefit. The subsidy value of the payment holiday is measured in the same manner as for preferential loans, by comparing what the company pays versus what it would pay on a normal commercial loan in any given year. A payment holiday early in the life of a loan can result in such large loan payments near the end of its term that, during the final years, the loan recipient's annual payments on the subsidized loan may be greater than

they would have been on an unsubsidized loan. By reallocating the benefit over the entire life of the loan through the present value methodology described above, we avoid imposing countervailing duties in excess of the net subsidy. Where we have sufficient evidence that deferment of principal is a normal and/or customary lending practice in the country under consideration, then such deferral has not been considered as conferring an additional subsidy.

Loans and Loan Guarantees for Companies Considered Uncreditworthy

In a number of cases petitioners have alleged that certain respondent steel companies were uncreditworthy for purposes of these investigations at the time they received preferential loans for guarantees, and that they could not have obtained any commercial loan without government intervention.

Where the company under investigation has a history of deep or significant continuing losses, and diminishing (if any) access to private lenders, we generally agree with petitioners. This does not mean that such a company is totally uncreditworthy for all purposes. Virtually all companies can obtain limited credit, such as short-term supplier credits, no matter how precarious their financial situation. Our use of the term uncreditworthy means simply that the company in question would not, in our view, have been able to obtain comparable loans in the absence of government intervention. Accordingly, in these situations neither national nor company-specific market interest rates provide an appropriate benchmark since, by definition, an uncreditworthy company could not receive loans on these or any terms without government intervention. Nor have we been able to find any reasonable and practical basis for selecting a risk premium to be added to a national interest rate in order to establish an appropriate interest benchmark for companies considered uncreditworthy. Therefore, we continue to treat loans to an uncreditworthy company as an equity infusion by or at the direction of the government. We believe this treatment is justified by the great risk, very junior status, and low probability of repayment of these loans absent government intervention or direction. To the extent that principal and/or interest is actually paid on these loans, we have adjusted our subsidy calculation (which is performed using our equity methodology, *infra*) to reflect this. We have applied the rate of return shortfall (the amount by which the corporate rate of return on equity was lower than the national average rate of return on equity) only to the outstanding principal in the year which we are measuring subsidization. From this amount, we additionally substract any interest and fees paid in that year. Moreover, in no case do we countervail a loan subsidy to a creditworthy or uncreditworthy company more than if the government gave the principal as an outright grant.

Short-Term Credits

In all our cases, even the most financially troubled companies regularly receive short-term supplier credits. We find this type of debt different and easily distinguishable from the loans previously discussed. Where a company receives private-sourced supplier credits we have found this countervailable only where they were at preferential rates because of explicit government direction.

Where supplier credits were not given at a preferential rate directed by the government, we found no subsidy. Furthermore, since the risk involved and basis for giving supplier credits is qualitatively different than for long-term loans, we did not interpret the presence of supplier credits as an indication of creditworthiness.

Equity

Petitioners allege that government purchases of equity in respondent steel companies confer a subsidy equal to the entire amount of the equity purchased. Many respondents claim that such equity purchases are investments on commercial terms, and thus do not confer subsidies on these companies.

It is well settled that neither government equity ownership *per se*, nor any secondary benefit to the company reflecting the private market's reaction to government ownership, confers a subsidy. Government ownership confers a subsidy only when it is on terms inconsistent with commercial considerations. An equity subsidy potentially arises when the government makes equity infusions into a company which is sustaining deep or significant continuing losses and for which there does not appear to be any reasonable indication of a rapid recovery. If such losses have been incurred, then we consider from whom the equity was purchased and at what price, or, absent a market value for the equity, we examine the rate of return on the company's equity and compare it to the national average rate of return on equity.

If the government buys previously issued shares on a market or directly from shareholders rather than from the company, there is no subsidy to the company. This is true no matter what price the government pays, since any overpayment benefits only the prior shareholders and not the company.

If the government buys shares directly from the company (either a new issue or corporate treasury stock) and similar shares are traded in a market, a subsidy arises if the government pays more than the prevailing market price. The Department has a strong preference for measuring the subsidy by reference to a market price. This price, we believe, rightly incorporates private investors' perceptions of the company's future earning potential and worth. To avoid any effect on the market price resulting from the government's purchase or speculation in anticipation of such purchase, we used for comparison a market price on a date sufficiently preceding the government's action. Any amount of overpayment is treated as a grant to the company.

It is more difficult to judge the possible subsidy effects of direct government infusions of equity where there is no market price for the shares (as where, for example, the government is already sole owner of the company). Government equity participation can be a legitimate commercial venture. Often, however, as in many of these steel cases, equity infusions follow massive or continuing losses and are part of national government programs to sustain or rationalize an industry which otherwise would not be competitive. We respect the government's characterization of its infusion as equity in a commercial venture. However, to the extent in any year that the government realizes a rate of return on its equity investment in a particular company which is less than the average rate of return on equity investment for the country as a whole (thus including returns on both successful and unsuccessful investments), its equity infusion is considered to confer a subsidy. This "rate of return shortfall" (the difference between the company's rate of return on equity and the national average rate of return on equity) is multiplied by the original equity infusion (less any loss coverage to which the equity funds were applied) to yield the annual subsidy amount. Under no circumstances do we countervail in any year an amount greater than that which is calculated treating the government's equity infusion as an outright grant.

Forgiveness of Debt

Where we have found that the government has forgiven an outstanding

debt obligation, we have treated this as a grant to the company equal to the outstanding principal at the time of foregiveness. Where outstanding debt has been converted into equity (*i.e.*, the government receives shares in the company in return of eliminating debt obligations of the company), a subsidy may result. The existence and extent of such subsidies are determined by treating the conversions as an equity infusion in the amount of the remaining principal of the debt. We then calculate the value of the subsidy by using our equity methodology, *supra*.

Coal Assistance

As explained in detail in our notice of "Final Affirmative Countervailing Duty Determinations: Certain Steel Products from the Federal Republic of Germany" (47 FR 39345), we have analyzed and verified aspects of the German coal subsidy program as it applied to steel. Based upon the verified information in the records of these investigations, we have determined that this particular program does not confer a countervailable benefit on either non-German or German steel producers.

As we stated in some of the preliminary determinations reached on June 10 (47 FR 26309), benefits bestowed upon the manufacturer of an input do not flow down to the purchaser of that input if the sale is transacted at arm's length. In an arm's length transaction, the seller generally attempts to maximize its total revenue by charging as high a price and selling as large a volume as the market will bear.

The application of these principles to sales of German coal outside Germany is as follows. The records of these transactions show that the prices charged for subsidized German coal outside Germany certainly do not undercut the freely available merit prices. Therefore, non-German purchasers of subsidized German coal do not benefit from Germany coal subsidies.

In support of this conclusion, we note that if non-German steel procedures did benefit from German coal subsidies, they would attempt to purchase German coal rather than unsubsidized coal from other sources including the U.S., since there are no restrictions on their ability to do so. The fact that they purchase significant amounts of unsubsidized U.S. coal indicates that the subsidies on German coal do not flow to non-German coal consumers.

Moreover, it is extremely unlikely that the German government would significantly subsidize non-German coal consumers unless compelled to do so by obligations with respect to the European Communities.

Since there is no evidence of such obligation, we conclude that the German government is not in fact subsidizing non-German coal consumers.

For these reasons, we determine that non-German steel procedures do not benefit from subsidization of German coal.

Research and Development Grants and Loans

Grants and preferential loans awarded by a government to finance research that has broad application and yields results which are made publicly available do not confer subsidies. Programs of organizations or institutions established to finance research on problems affecting only a particular industry or group of industries (*e.g.*, metallurgical testing to find ways to make cold-rolled sheet easier to galvanize) and which yield results that are available only to producers in that country (or in a limited number of countries) confer a subsidy on the products which benefits from the results of the research and development (R&D). On the other hand, programs which provide funds for R&D in a wide range of industries are not countervailable even when a portion of the funds is provided to the steel sector.

Once we determine that a particular program is countervailable, we calculate the value of the subsidy by reference to the form in which the R&D was funded. An R&D grant is treated as an "untied" grant; a loan for R&D is treated as any other preferential loan.

Labor Subsidies

To be countervailable, a benefit program for workers must give preferential benefits to workers in a particular industry or in a particular targeted region. Whether the program preferentially benefits some workers as opposed to others is determined by looking at both program eligibility and participation. Even where provided to workers in specific industries, social welfare programs are countervailable only to the extent that they relieve the firm of costs it would ordinarily incur for example, a government's assumption of a firm's normal obligation partially to fund worker pensions.

Labor-related subsidies are generally conferred in the form of grants and are treated as untied grants for purposes of subsidy calculation. Where they are small and expensed by the company in the year received, we likewise allocated them only to the year of receipt. However, where they were more than one percent of gross revenues we allocated them over a longer period of time generally reflecting the program duration.

Comments by Parties to the Proceeding

- Grants

Comment 1: Respondents claim that the present value methodology used in these investigations does not provide a "real" value and that it is based on assumptions which do not reflect the realities of the manufacture of the products under investigation.

DOC Position: The present value concept is a widely recognized tool of financial and economic analysis. Its utility and necessity derive from the fact that money has a time value. For example, as stated above, $100 million today is considerably more valuable to a grant recipient than $10 million per year for the next ten years. To move a sum of money through time without adjusting the nominal amount would seriously understate the value of the money. So long as the present value (in the year of grant receipt) of the amounts allocated over time does not exceed the face value of the of the grant, the amount countervailed will not exceed the total net subsidy.

Comment 2: Petitioners argue that grants and preferential loans awarded expressly for the benefit of products not under investigation should also be considered countervailable benefits for the product(s) under investigation. They base their argument on the contention that aid thus received is fungible.

DOC Position: We have not viewed all aid received for any purpose by companies under investigation as fungible, and thus equally beneficial to all products made by the company in question. While the law clearly envisions reaching subsidies which benefit the product under investigation indirectly, as well as directly, it would distort and be inconsistent with the clear intent of the statute, as reflected in its legislative history, to allocate to products under investigation any portion of benefits clearly tied to products not under investigation. This is particularly true since we are compelled to allocate fully to the products actually being investigated any subsidies directly tied to them. To allocate tied subsidies fully to the products to which they are tied and simultaneously to allocate any part of the same subsidies to other products would result in double-counting, which would be inconsistent with both the Act and the Subsidies Code.

- Loans and Loan Guarantees for Companies Considered Uncreditworthy

Comment 3: Respondents argue that the Department's method of determining uncreditworthiness was unfair in that it was based on hindsight which was not available to a lender at the time it made a decision whether or not to provide funds to a company.

DOC Position: As outlined in each of these notices in which uncreditworthiness was found, all determinations as to the Creditworthiness of firms were based upon information reasonably available to a potential lender *at the time a loan was given.* For instance, although British Steel Corporation's financial results for the fiscal year 1976/77 were a major factor pointing to uncreditworthiness, in our final determinations were found uncreditworthy beginning in fiscal year 1977/78, when the lending community could reasonably have known of the weakness of the firm's financial position in the preceding year. This approach allows the potential lender time to evaluate its behavior in light of the changed circumstances of the firm.

Comment 4: Petitioners state that to the extent that the Department calculates the benefit from a loan to an uncreditworthy company as if it were a grant, failure to use a discount rate to reflect the greater risk of providing credit to uncreditworthy firms which could not borrow at any average or national rate leads to an understatement of the true value of the subsidy received.

DOC Position: We disagree. Although we used the average national debt rate as the discount rate in the preliminary determinations, we did not intend this to imply that the choice of the discount rate reflected our speculation as to the riskiness of the company or the cost of alternative financing. As discussed in the *Grants* section of this appendix, we view the discount rate as simply a financial tool to move money through time. It is not our intention to embed in this rate any project-specific risk or company risk. For this reason we are changing the discount rate used in these final determinations to the risk-free rate, a rate equally accessible to all companies (including very risky ones) country-wide.

• *Equity*

Comment 5: Respondents argue that premiums paid over market value of stock are common in takeovers where the objective is to gain control of a firm, and that therefore such a payment should not be considered a subsidy.

DOC Position: Payment of a premium over market value for stock (including where the objective is to gain control) is a special commercial circumstance which occurs under fairly unique conditions. Payment of such a premium for stock in a firm in weak or distressed financial condition is unlikely, for as a firm approaches near-bankruptcy, its market price of equity falls to the liquidation value range. Furthermore, it is highly unlikely for a control premium to be warranted when the government is the sole bidder for the troubled firm. Therefore in the absence of compelling evidence that a premium payment by a government was warranted and motivated by commercial conditions (as evidenced, for example, by similar competing private bids), the Department has a strong preference for measuring a subsidy by the difference between the market price of the stock and the stock price paid by the government. We believe that this market price correctly incorporates private investor's perceptions of the worth of the stock.

• *Coal Assistance*

Comment 6: Petitioners reject the Department's view that a party receiving a benefit on the production of its merchandise is not assumed to share that benefit with an unrelated purchaser. They maintain that a party may market its products at a lower price than it would be able to charge absent the subsidy in order to secure or hold on to a larger share of the market, and thus to increase its profitability by realizing lower unit costs and increased unit sales.

DOC Position: We agree that there is more than one way to seek to achieve maximum profitability. In these investigations, in fact, assistance to coal has been provided to enable some coal companies to sell below their cost of production. However, the German coal companies do not sell below the prices of coal as sold in Europe and elsewhere. In fact, German steel producers are required to pay a slight but significant premium for German coal. Under these circumstances, we disagree with petitioners' argument that German steel companies are indirectly subsidized through German coal subsidies.

Comment 7: Petitioners argue that the Department should have considered German coal subsidies to subsidize all steel companies purchasing that coal, both German and non-German, because the intent of the coal subsidies is to stabilize coal supplies to the ECSC steel industry and to insure that industry against the risk of adverse price developments on the world market. Petitioners claim that without this subsidized coal, the ECSC steel companies would have had to pay higher world market prices.

DOC Position: For the reasons indicated *supra,* we believe that it is too speculative to consider possible effects on world prices for coal in the hypothetical absence of German subsidization of its coal industry. However, if coal prices would rise in that event, we believe that they would rise throughout the world. We do not believe that prices would rise for European purchasers of coal rather than non-Europeans.

As also indicated in detail *supra,* we believe that the real economic effect of German subsidies is to penalize, not to assist, German steel companies. As a result of the German coal policy, German steel companies are required to pay a slight premium above the world market price for their coal purchases. Non-German purchasers of subsidized German coal similarly receive no demonstrable price advantage.

Comment 8: Petitioners argue that the ECSC and the FRG government, through an "intense program of coordinated subsidy financing," have assisted the German coal and steel industries in order to sustain production at cost efficient levels, in significant part by producing for export.

DOC Position: Although the arguments seem ambiguous, we believe that petitioners mean to imply that the German and ECSC coal assistance programs constitute an export subsidy for steel. If so, then we disagree, since in both cases coal assistance is provided without the establishment of any condition concerning the exportation of steel produced using that coal.

Comment 9: Petitioners object to the Department's alleged requirement that a subsidy on an imput be demonstrated to confer an unfair competitive advantage. Petitioners imply that in so doing, the Department is usurping the jurisdiction of the International Trade Commission which is authorized to determine injury.

DOC Position: Under the Act, the Department is required to determine whether respondents have received subsidies within the meaning of the Act. To do so, the Department seeks to determine whether or not respondents have received directly or indirectly an economic benefit. Whereas this is relatively easy in the case of the direct bestowal of a grant, it is quite difficult with regard to indirect subsidies allegedly conferred through the subsidization of imputs used in a final product. In this more complex area, we believe it is required for the Department to consider whether there is an economic benefit to foreign manufacturers of an individual imput. This is quite distinct from the ITC's determination whether imports of the final product into the United States

injure a U.S. industry. The Department therefore disagrees with petitioners on this issue.

Appendix 3.—Programs Administered by Organizations of the European Communities

I. The ECSC

On April 8, 1965, the three separate European communities—the European Coal and Steel Community (ECSC), the European Economic Community (EEC), and the European Atomic Energy Community—signed a treaty to merge into the European Communities (EC). Article 9 of the merger treaty established the Commission of the European Communities to take the place of the High Authority of each of the formerly independent institutions. The merger became effective in 1967.

The ECSC itself was established by the Treaty of Paris in 1951 to modernize production, improve quality, and assure a supply of coal and steel to the member countries. The Treaty of Paris governs all programs intended directly to affect the steel industry. Funds for these programs flow from two sources: (1) ECSC borrowings on international capital markets, and (2) the ECSC budget.

A. *ECSC Programs Determined To Be Subsidies.*—1. *ECSC Loan Guarantees.* Under Article 54 of the Treaty of Paris, the ECSC is authorized to guarantee loans from commercial lenders to coal and steel companies. Since these guarantees are intended specifically for the steel industry, we find the resulting benefits to be countervailable. The countervailable benefit is the difference between the interest rate charged by private lenders to commercial customers in the ordinary course of business and the rates available with an ECSC loan guarantee.

2. *Programs Funded Through ECSC Borrowings.* Because of its quasi-governmental nature, the ECSC is able to raise funds at interest rates lower than those which would be available on commercial terms to European steel companies. When the ECSC relends these borrowed funds to a company without increasing the interest rate, any difference between the lower rate passed on and the rate otherwise available to the steel company in the commercial financial market (the "benchmark") is a benefit to the company. For this reason, we determine that ECSC loans raised through capital market funding are countervailable insofar as they offer preferential interest rates (i.e., rates which would not be available on commercial terms) to steel companies. Consequently, any loan to a steel company involving ECSC funds borrowed on international capital markets, provided under an ECSC assistance program, confers countervailable benefits to the extent that the loan is made at a preferential interest rate.

a. *ECSC Industrial Investment Loans.* Article 54 of the Treaty of Paris authorizes the ECSC to provide loans to steel companies in member countries for reducing production costs, increasing production, or facilitating product marketing. Loans provided under this program are funded exclusively from ECSC borrowings on world capital markets. For the reasons discussed above, we reaffirm our preliminary determination that this program confers countervailable benefits to loan recipients to the extent that the interest rates are preferential.

b. *ECSC Industrial Reconversion Loans.* Under Article 56 of the Treaty of Paris, the ECSC provides loans to companies or public authorities for investments in new non-steel ventures in regions of declining steel industry activity. The goal of the loan program is to provide employment for former steel workers in new industries. In our preliminary determinations, we concluded that this program did not appear to benefit steel companies. Therefore, we preliminarily determined that it does not confer subsidies on steel. However, since our preliminary determinations, we verified that some industrial reconversion loans have been made for use in the iron and steel industry. Therefore, to the extent that such loans were made for steel production, they confer benefits on steel production generally or possibly on particular types of steel products if the loans were tied. Since this program is funded exclusively from ECSC borrowing on world capital markets, we determine, for the reasons discussed above, that these loans to steel producers confer subsidies on steel to the extent that the interest rates are preferential.

3. *Programs Funded Through the ECEC Budget.* With respect to programs funded by the ECSC budget, we preliminarily determined that they do not confer countervailable benefits because for 1971–1980 (the last year for which complete data were available) their total amount did not exceed total levies collected from coal and steel producers within the ECSC member states. Since our preliminary determinations were made we have verified the following facts about the composition of the ECSC budget:

- From 1952 through 1956, the ECSC budget was financed exclusively through producer-generated levies.
- From 1971 through 1977, the ECSC budget was financed exclusively through producer-generated levies, funds generated from unexpected levies, and other relatively small amounts obtained from steel companies (*e.g.*, fines and late payment fees).
- Beginning in 1982, the member state contribution is to be used exclusively to fund one particular program, rehabilitation aid provided under Article 56 of the Treaty of Paris.

We continue to believe that programs funded by the ECSC budget through 1977 do not confer countervailable benefits.

However, since 1978 member state contributions have constituted a portion of the ECSC budget. Upon consideration of this newly available information, for the years 1978–1981 we believe it is more reasonable to assume that programs funded by the ECSC budget are subsidized to the extent that the budget derives from member state contributions. To assume to the contrary (i.e., that *all* program assistance derives from levies and levy-generated funds, and that member state contributions are used *exclusively* for expenses other than program assistance) is inappropriate unless member state contributions are expressly earmarked for particular programs. Accordingly, we have treated as a subsidy in 1981 a proportion of the benefits received under programs funded by the ECSC budget.

Although not relevant to the subsidies being determined and measured in these investigations, we note that for 1982, member state contributions have been so earmarked for one particular program, rehabilitation aid provided under Article 56 of the Treaty of Paris. If all member state contributions are expended in funding that program, other programs would then be funded by levies and levy-generated funds, not from member state contributions.

a. *ECSC Labor Assistance Rehabilitation Aids.* Under Article 56 of the Treaty of Paris, the ECSC provides matching grants to member states for programs that assist former steel workers currently unemployed or in training for a new trade. In our preliminary determinations, we implied that this assistance may confer a subsidy on the industries for which workers are newly trained, but decided that it does not confer a subsidy on steel. However, upon verification we learned that some, though not all of this assistance has been provided to retrain

workers for other jobs *within* the *same* industry; and to cover worker unemployment and early retirement expenses, for some of which the employing companies may have been legally responsible. If such assistance has been provided to retrain steel workers for new steel jobs, and/or to cover unemployment and early retirement expenses which steel companies would normally be required to pay, then it benefits the steel industry. To that extent, it is considered a subsidy in these investigations.

This program is funded from the ECSC budget. In view of the relatively small amounts concerned, we are expensing this assistance in the year it was received. Therefore, for purposes of these investigations, we are capturing only assistance provided in the period for which we are measuring subsidies (generally 1981). In 1982, member state contributions accounted for 20.05 percent of the ECSC budget. Therefore, for the reasons discussed above, 20.05 percent of the assistance under Article 56 provided to steel companies for programs benefitting steel production in 1981 constitutes a subsidy on the manufacture or production of steel.

b. *ECSC Interest Rebates.* i. Certain Article 54 industrial investment loans qualify for further interest reduction depending on whether they are for environmental projects, removal of industrial bottlenecks, promotion of steel industry competitiveness, or stabilization of coal production. The rebates generally reduce the interest expense for the first five years of the loan repayment schedule by three percentage points. The interest rebates are paid out of the ECSC budget. Therefore, we preliminarily determined that this program does not confer countervailable benefits.

ii. Certain Article 56 industrial reconversion loans qualify for further interest reductions. Like the interest rebates on Article 54 industrial investment loans, these rebates are paid out of the ECSC budget. In a few instances the underlying loans made under Article 56 benefit the products under investigation (most Article 56 loans were given to non-steel ventures).

For the reasons discussed above, we have now determined that both these programs described under (i) and (ii) above confer countervailable benefits to the extent that the ECSC budget in the year concerned is financed by member state contributions. In view of the relatively small amounts concerned, we are expensing this assistance in the year it was received. Therefore, for purposes of these investigations, we are capturing only assistance provided in the period for which we are measuring subsidies (generally 1981). In 1981, member state contributions accounted for 20.05 percent of the ECSC budget. Therefore, for the reasons discussed above, 20.05 percent of the assistance provided in 1981 consititues a subsidy on the manufacture or production of steel.

c. *ECSC coal and Coke Aids.* Petitioners have alleged that ECSC assistance to coal producers in EC countries constitutes an indirect benefit to steel producers purchasing that coal. In our preliminary determinations, we did not consider this program to confer counteravailable benefits on steel. The basis for this conclusion was our understanding at that time that the ECSC coal aids are bestowed on all types of coal, used widely throughout many industries.

Therefore, we reasoned, the ECSC aids on coal cannot be intended to benefit, and do not benefit, the steel industry in paritcular; consequently, under section 1771(5)(B) of the Act, there is no subsidy to steel in these circumstances, even though steel producers in ECSC countries purchase some ECSC coal.

However, we have verified that, in fact, certain ECSC coal aids are bestowed exclusively on coking coal, which is used primarily by the iron and steel industry. Nonetheless, we continue to believe, for other reasons, that the ECSC coking coal aids do not confer a countervailable benefit on the manufacture or production of steel. We have no evidence that ECSC-assisted coking coal is sold to ECSC steel companies at prices less than the prices for other freely available coking coal produced in ECSC member countries but not assisted by the ECSC, or for freely available coking coal produced outside ECSC member countries. To the contrary, we have verified information that some coking coal is sold in Europe at prices below the prices of ECSC-assisted coking coal. This indicates that the coking coal subsidies to coal producers are not being passed along, in whole or in part, to steel producers purchasing that coal in arm's length transactions.

Where a subsidized coal producer and a steel producer are related companies, it is reasonable to question whether, in fact, the transfer price for coking coal is established on an arm's length basis. In general, our tests for whether the prices for coking coal charged to a related company were established on an arm's length basis include: (1) Whether the coal producer sold to its related steel producer at the prevailing price, and/or (2) whether the coal producers sold to its related steel producers and all other purchasers of coking coal at the same price.

B. *ECSC Programs Determined Not to Confer Subsidies.*—1. *ECSC Housing Loans for Workers.* Article 54(2) of the Treaty fo Paris authorized the ECSC to provide loans for residential housing for steel workers. In some cases these loan funds are provided directly to steel companies which relend them to their workers. In other cases, they are administered through financial institutions or housing authorities. These loans for the construction or purchase of homes are at highly concessionary one percent interest rates.

The preferential ECSC housing loans provide substantial benefits directly to steel workers. In our preliminary determinations, we assumed that they also indirectly benefit the employer steel companies by relieving them of certain labor wage costs. However, we have been unable to substantiate and verify this assumption. To the contrary, in many of the countries concerned there is a high rate of unemployment, which reduces upward pressure on wages. Moreover, we found no instance in which wage rates varied—depending upon the presence or absence of these mortgage loans to steel workers—either within a steel company or between steel companies. Since we have no firm basis for determining that the wage demands of steel workers would be responsive to the (non)availability of this mortgage subsidy, we conclude that the hypothetical benefits to their employer steel companies are too remote to be considered subsidies to these companies.

2. *ECSC R&D Grants and Loans.* a. Article 55 of the Treaty of Paris provides funding in the form of grants for up to 60 percent of an R&D project's cost. The projects must be for improvements in the production and use of coal and steel. On the ground that these grants are funded exclusively from the ECSC budget, we preliminarily determined that this program does not confer countervailable benefits.

For the reasons discussed above, we have decided to consider ECSC budget-funded programs as countervailable to the extent that the ECSC budget for the year concerned is financed by member state contributions. Nevertheless, because we have evidence that the results of the R&D are made publicly available, we have determined that this program does not confer countervailable benefits.

b. With respect to ECSE R&D loans—also made under Article 55 of the Treaty of Paris—we preliminarily determined that additional information was

necessary: i.e., information as to how widely available the results of research are, and from which source the funds derive. Upon verification, we learned that the results of the research are made publicly available. Therefore, we determne that ECSC R&D loans do not confer countervailable benefits.

II. The European Investment Bank

The European Investment Bank (EIB) was created by the Treaty of Rome establishing the EEC to fund projects that serve regional needs in Europe. Article 130 of the Treaty of Rome authorized the EIB to make loans and guarantee financial projects in all sectors of the economy. These projects include the provision of funds to further the development of low income regions. Funds are drawn from debt instruments floated on world capital markets and from investment earnings. Because EIB loans are designed by charter to serve regional needs, we find them to be countervailable where the interest rate is less than the rate which would have been available commercially from a private lender without government intervention.

The EIB also provides loan guarantees to companies in EC member countries. Again, because this guarantee was available in some but not all regions, it is regarded as a countervailable benefit. These determinations remain unchanged from our treatment of this issue in our preliminary determinations.

III. The European Regional Development Fund

The European Regional Development Fund was established by the EEC to provide funding in the form of low-interest loans for industrial projects designed to correct regional imbalances within the EEC. The fund also awards interest subsidies on EIB loans.

We preliminarily determined that this program is not used by any of the manufacturers, producers or exporters for any of the products from countries under investigation. We confirmed this determination through our verification, so it remains unchanged.

Comments Received from Parties to the Proceeding.—Comment 1: Petitioners argue that the Department did not correctly interpret the term "subsidy" and did not countervail ECSC assistance programs to the extent that funds for these programs were derived from the ECSC budget.

DOC Position: As explained in detail *supra,* the Department has determined that ECSC budget-funded assistance is potentially countervailable to the extent that the ECSC budget for the year concerned is financed by Member State contributions.

Whether or not we found particular ECSC budget-funded assistance to confer a subsidy on the products subject to these investigations depended on other factors as well. For example, we found that the results of ECSC funded research and development projects were made publicly available, and therefore did not consider subsidies.

Comment 2: Petitioners argue that ECSC budget-funded assistance programs confer subsidies on ECSC steel producers despite levy financing of the budget, because the ECSC must borrow massively to supplement the levies.

DOC Position: As indicated in detail *supra,* to the extent that the ECSC budget in a given year is funded by Member State contributions, we consider any assistance funded generally from the budget in that year to be partially countervailable. Also as explained *supra,* to the extent that ECSC loans financed by ECSC borrowings on world capital markets are made to steel companies at preferential interest rates, we believe that they are countervailable.

Comment 3: Petitioners maintain that ECSC budget-funded programs confer subsidies even when financed through levy funding; that the ECSC borrows to finance its programs, and there is no delineation between the programs funded by the levy and the programs funded by debt.

DOC Position: As explained in detail *supra,* we agree that many (though not all ECSC) budget-funded programs confer some countervailable benefit if the assistance was provided in a year in which the ECSC budget was derived partially from Member State contributions. Where it can be shown that ECSC budget-funded assistance derives exclusively from levies and levy-generated funds ultimately derived from steel producers, no countervailable benefit is conferred upon steel producers by the return to them of their own funds. However, for the period of investigation we did not find that any program's funding derived could be shown to derive exclusively from levy financing.

Comment 4: Some petitioners have claimed that ECSC assistance funded by producer levies confers subsidies wherever an individual producer receives assistance in excess of levies paid by that producer.

DOC Position: As explained elsewhere in this Appendix and in Appendix 4, we do not consider ECSC budget-funded programs to confer subsidies on steel producers to the extent such programs are funded by producer levies. Our view is not affected by the degree to which individual producers which have contributed levies do not participate in or receive benefits from these programs. The producers probably should be viewed as pooling their resources, for their mutual benefit, to create and maintain certain programs which are available to all the producers. Over the relatively short period for which we are measuring subsidies, certain producers have more frequent occasion to use certain programs than other producers. In principle, this is not different from other types of cooperative behavior, such as jointly funded risk insurance, under which not all participants will have identical claims although all contribute equal premiums. Accordingly, insofar as producer levies are directly funding the programs, no subsidies can be said to arise from any apparent short-term disparity of benefits received.

Comment 5: Petitioners have challenged our preliminary determinations that benefits received under certain ECSC programs funded by ECSC coal and steel producer levies were not subsidies. They assert that, in reaching such a determination, we have allowed offsets from subsidies in a manner contrary to law.

DOC Position: We disagree with petitioners' characterization of the determination on this issue. To the extent that we have viewed benefits received under ECSC programs as attributable or allocable to producer levies, we find that no gross subsidy exits. No "offset" or reduction in subsidy amount is made, because the recipients of the program benefits are directly funding those benefits themselves and thus the ECSC is not creating a subsidy. This is not analogous to governmental benefits funded by general tax revenues, for the levies in question are—and since the inception of the levy system have been—strictly earmarked for the ECSC budget-funded programs for which they are, in fact, used. In reality, the ECSC acts as no more than the administrator and distributor of levies collected, and does so under such tight restrictions as to preclude the conclusion that the return of levy funds to the producers gives rise to a gross subsidy.

Appendix 4.—General and GATT-Related Issues

- *General Issues*

Comment 1: Petitioners contend that many of the conclusions in our preliminary determinations were erroneous insofar as they found that

particular programs of general applicability and availability within a country do not give rise to domestic subsidies. They assert that subsidies must be found to exist from any governmental programs providing benefits, regardless whether those programs are generally available.

DOC Position: Section 771(5) of the Act, in describing governmental benefits which should be viewed as domestic subsidies under the law, clearly limits such subsidies to those provided "to a specific enterprise of industry, or group of enterprises or industries." We have followed this statutory standard consistently, finding countervailable only the benefits from those programs which are applicable and available only to one company or industry, a limited group of companies or industries, or companies or industries located within a limited region or regions within a country. This standard for domestic subsidies is clearly distinguishable from that for export subsidies, which are countervailable regardless of their availability within the country of exportation. We view the word "specific" in the statutory definition as necessarily modifying both "enterprise or industry" and "group of enterprises or industries". If Congress had intended programs of general applicability to be countervailable, this language would be superfluous and different language easily could and would have been used. All governments operate programs of benefit to all industries, such as internal transportation facilities or generally applicable tax rules. We do not believe that the Congress intended us to countervail such programs. Further, our conclusion is supported by the clear Congressional intent that "subsidy" be given the same meaning as "bounty or grant" under section 303 of the Act. Never in the history of the administration of this law or section 303 of the Act has a generally available program providing benefits to all production of a product, regardless of whether it is exported, been considered to give rise to a subsidy or a bounty or grant. In enacting the Trade Agreements Act of 1979, Congress specifically endorsed that interpretation of section 303. Finally, the fact that the list of subsidies in section 771(5) is not an exclusive one in no way compels the conclusion that domestic benefits of general availability must or can be considered subsidies. Indeed, in view of the statute and its legislative and administrative history, we doubt that we are free to treat such generally available benefits of domestic programs as subsidies; certainly we are not compelled to do so.

Comment 2: Petitioners contend that our preliminary negative determinations regarding critical circumstances were erroneous. They allege that, in determining whether imports were "massive" within the meaning of section 703(e) of the Act, we acted inconsistently with the law and past practice by examining imports in the period subsequent, rather than prior, to initiation of these cases, thereby denying petitioners the ability to provide adequate documentation to support their allegations. They also disagree with our characterization of the import levels as not being massive.

DOC Position:: This issue is moot. Under section 703(e) of the Act, in order to determine that critical circumstances exist, we must determine that "(A) the alleged subsidy is inconsistent with the Agreement, and (B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period." Section 355.29(e) of the Commerce Regulations (19 CFR 355.29(e)) on critical circumstances provides, *inter alia*, that we will determine "whether the alleged subsidy is an *export* subsidy inconsistent with the Agreement" (emphasis added). For purposes of this law, then, under existing regulations, a subsidy may be viewed as inconsistent with the Agreement only if it is an export subsidy. Since all of the subsidies determined to exist in the cases in which we are issuing final determinations in these notices are domestic, rather than export, subsidies, we are precluded from determining that critical circumstances exist in any of these cases.

Comment 3: Some respondents claim that our adoption in the preliminary determinations of a number of new methodologies for the ascertainment and calculation of subsidies was procedurally deficient as a matter of law. They assert that these new methodologies conflict with past practice and, therefore, cannot be implemented in any case before rulemaking procedures have been completed, which procedures would have to provide published notice of proposed changes and opportunity to comment.

DOC Position: We do not agree that the methodologies employed in these cases have to be the subject of rulemaking procedures or that such methodologies could not be employed until such procedures have been completed. The adoption of these methodologies is neither rulemaking nor adjudication within the meaning of the Administrative Procedures Act. Some of the methodologies employed cannot be said to be in conflict with any past practice under sections 701 or 303 of the Act, for they address issues and factual situations which, to the best of our knowledge, have not previously been encountered. Others, such as the present value methodology of valuing money over time, do represent a departure from past methods for determining the existence or size of subsidies. However, the prior practice, with which the methodology used in these cases has been alleged to be inconsistent has never been prescribed in the Commerce Regulations or, before that, the Customs Regulations.

Decisions as to the use of such methodologies are not matters requiring rulemaking procedures, but are questions of policy left to the judgment and discretion of the Department and decided on a case-by-case basis, applying the law, as we understand its requirements and intent, to the facts of each case. While the Department could prescribe such methodologies in its regulations, we have not chosen to do so. Unless and until that occurs, no rulemaking procedures can be considered necessary before changing prior methodologies. At the outset of these investigations, respondents may have anticipated that certain prior methodologies would be employed in place of ones actually used, but they have no legal right to the maintenance of such prior practices.

Further, our preliminary determinations and subsequent disclosures to all interested parties fully explained these methodologies and each respondent took advantage of its opportunity to comment upon them, both orally and in writing. We took all of these comments fully into account in reaching our final determinations. As such, each respondent fully participated in the decision-making process to the extent of its legal rights, and cannot properly be viewed as having been denied any such rights. Moreover, there is no substantial evidence in the record in any of these cases which would support a conclusion that the respondent governments, when establishing or administering the programs investigated, relied to their detriment on prior methodologies. Indeed, it would be difficult to conclude that these governments in any way considered the possible consequence under the U.S. countervailing duty law before taking the actions which resulted in

countervailable benefits to the products under investigation.

Comment 4: Some respondents contend that many of the benefits received by the steel companies investigated, such as aids for restructuring, are directly analogous to procedures and benefits common to bankruptcy proceedings. As such, they are consistent with normal commercial considerations and should not be considered subsidies.

DOC Position: No respondent has furnished us any evidence that it has been subject to formal bankruptcy proceedings, or that its restructuring or other procedures actually employed remotely resemble normal bankruptcy procedure in its country. In the absence of any such evidence the contention of respondents is entirely too speculative a basis upon which to base a determination in these cases.

• *Gatt-Related Issues*

Comment 5: The European Communities (EC) assert that in order for a countervailable subsidy to exist under the GATT, there must be a charge on the public account. In support of this contention, the EC cites in particular item (1) of the Illustrative List of Export Subsidies (the List), included as an annex to the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (the Code). Item (1) of the List defines as an export subsidy, "Any other charge on the public account constituting an export subsidy in the sense of Article XVI of the General Agreement."

DOC Position: Item (1) does not limit the definition of subsidy to a charge on the public account, but rather makes clear that such a charge is included in the universe of subsidies which constitute on their face prohibited export subsidies. Items (c) and (d) of the List show that preferential treatment for exports, without regard to a charge on the public account, can also constitute a subsidy on its face. These items define as subsidies:

(c) Internal transport and freight charges on export shipments, provided or mandated by governments, on terms more favorable than for domestic shipments.

(d) The delivery by governments or their agencies of imported or domestic products or services for use in the production of exported goods, on terms or conditions more favorable than for delivery of like or directly competitive products or services for use in the production of goods for domestic consumption, if (in the case of products) such terms or conditions are more favorable than those commercially available on world markets to their exporters.

Item (1), cited by the EC, derives from the original illustrative list of subsidies of 1960, which represented an agreed interpretation of Article XVI:4 of the GATT. However, the department notes that this list also includes items (c) and (d) of the current List. Since the negotiation of Article XVI:4 in the 1950s, there has never been a consensus a on an interpretation such as that advanced by the EC. Rather, it has been generally accepted that the range of activities covered by the term subsidy as used in the GATT is quite broad, including charges on the public account as well as certain activities which do not necessarily involve such a charge.

Comment 6: The EC argues that subsidies other than export subsidies cannot be considered countervailable under the Code unless such subsidies "(a)dversely affect the conditions of normal competition. In the absence of any such distortion, subsidies, other than export subsidies, are recognized as important instruments for the promotion of social and economic policy objectives against which no action is envisaged by the Code." The EC further argues that the Department considered regional aids countervailable "(w)ithout taking into consideration any disadvantages incurred by companies having to operate in economically retarded and remote areas. * * * This approach does not take into account, that under GATT and the Code countervailable subsidies are only those, which adversely affect the conditions of normal competition." In support of this contention, the EC cites Article 11 of the Code, "Subsidies Other Than Export Subsidies."

DOC Position: The language of Article 11 does not prejudice the right of any signatory to the Code to countervail against non-export subsidies. The language of the Article is the result of compromise between the United States and the EC at the time of the negotiation of the Code; the United States proposed to include an illustrative list of domestic subsidies, while the EC position was that such subsidies should not be considered countervailable. The Department notes that, while no list of domestic subsidies was incorporated *per se* in the Code, examples of such subsidies are included in Article 11. In contrast, the position of the EC was not adopted, as no such prohibition regarding the countervailability of domestic subsidies appears in the Code. The fact that certain subsidies are not prohibited by the Code is not relevant to a determination as to whether such subsidies confer a countervailable benefit in a specific case.

In addition, the Department notes that Article 11:3 of the Code states, "(t)he above form of (non-export) subsidies are normally granted either regionally or by sector." Article 11:2 states:

"Signatories recognize, however, that subsidies other than export subsidies * * * may cause or threaten to cause injury to a domestic industry of another signatory or serious prejudice to the interests of another signatory or may nullify or impair benefits accruing to another signatory under the General Agreement, in particular where such subsidies would adversely affect the conditions of normal competition. Signatories shall therefore seek to avoid causing such effects through the use of subsidies. In particular, signatories when drawing up their policies and practices in this field, in addition to evaluating the essential internal objectives to be achieved, shall also weigh, as far as practicable, possible adverse effects on trade. They shall also consider the conditions of world trade the production (e.g. price, capacity utilization, and supply of the product concerned).

While there is no agreed definition of the term "normal competition" in the context of the GATT, the term can reasonably be construed to include comparative advantage, a concept about which little, if any, serious dispute exists among economists. The argument of the EC flows against the logic of comparative advantage. Subsidies used to alter the comparative advantage of certain regions with respect to the production of a certain product or products are by definition distortive of trade and the allocation of resources, and, therefore, must affect normal competition, including competition with producers in the market of the importing country. There is no evidence that the governments of the countries in question, with regard to most of the programs and benefits under consideration, specifically sought to avoid causing injury to the domestic industries of other Code signatories, or even considered possible adverse effects on trade, as required by Article 11:2.

Finally the Department notes that Article 4 of the Code, "Imposition of countervailing duties", makes no distinction between domestic and export subsidies.

Comment 7: In objecting to the methodology used by the Department to calculate the subsidies found to exist by virtue of grants, preferential loans and loan guarantees (*See* Appendix 2,

Methodology), the EC argues that "Article VI of the GATT provides that a countervailing duty may not exceed the amount of subsidy 'determined to have been *granted*'. The use of the word 'granted' rather than 'received' and the absence of any reference to 'value' or 'benefit' indicates clearly that the countervailable amount is the financial contribution of the government rather than the much more nebulous benefit to the receipient." (Emphasis in the EC brief).

DOC Position: The position of the Department with respect to the need for a specific financial contribution of the government is discussed above. With respect to the calculation of the amount of the subsidy, the Department believes that the use of the word "granted" in Article VI:3 does not control the question of calculation of the amount of a subsidy, but merely refers to the existence of the subsidy. In fact, as the EC itself notes, Footnote 15 to the Code states, "An understanding among signatories should be developed setting out the criteria for the calculation of the amount of subsidy." Were the amount of subsidy always equal to a charge on the public account, such an understanding would be unnecessary.

Article 4:2 of the Code states that "(n)o countervailing duty shall be levied on any imported product in excess of the amount of the subsidy found to exist * * *." The position of the Department is that the subsidy is the benefit received by the producer or exporter. In no way does the language of Article 4 of the Code or Article VI of the GATT mandate a methodology to be used by signatories in the calculation of a subsidy as long as no consensus to the contrary exists (as referred to in Footnote 15). As a matter of general interpretation of the Code and the GATT, the omission of language dealing with a specific issue must be seen as a purposeful decision on the part of the signatories to leave the question open (see Comment 8 and DOC Position, below).

Comment 8: The EC has criticized the Department for making unilateral interpretations of various provisions of the Code, in particular with respect to determinations as to whether certain specific practices are subsidies and with respect to the methodologies employed in calculating the value of a subsidy.

DOC Position: The Department will follow, as far as U.S. law permits, the mandatory provisions of the Code, as well as any interpretations on which a consensus exists among all Code signatories including the United States. However, the Code does *not* require inaction by signatories with regard to areas not clearly covered by the Code or by agreed interpretations of the Code. Such a requirement would be inconsistent with practice under the GATT as it has developed since its inception in 1947. The fact that the Code is silent with respect to whether a specific practice constitutes a subsidy does not mean that no signatory may make a determination with respect to that practice in the course of a proceeding. The fact that the signatories have not agreed on a methodology for the calculation of the amount of a subsidy does not mean that no signatory may adopt a methodology in the absence of such agreement, since the inability to calculate the amount of the subsidy found to exist would clearly frustrate the intent of the Code and the GATT.

Comment 9: The EC objects to the Department's use of average return on investment as a measure of the commercial rasonableness of a government infusion of equity in the absence of a market price for shares. The EC argues that "(i)t follows from the GATT that the decisive criterion is the cost to the Government and therefore the investment should be treated as a long-term loan by the Government and the long-term return should be measured against the rate at which the Government borrowed money to make the investment."

DOC Position: The Code notes in Article 11:3 that possible forms of non-export subsidies include "(g)overnment subscription to, or provision of, equity capital." However, the Code and the GATT are silent on the question of precisely when such activity does constitute a subsidy and, where found, how such a subsidy should be calculated. The position of the EC with respect to this issue turns on defining a subsidy as the cost to the government. As discussed above in the response to Comment 6, the Department rejects this position. In any event, the equity infusions in question were not long-term and had no provisions for repayment. Accordingly, it is not possible to conclude that the decision of the Department is inconsistent with the GATT or the Code (see Appendix 2 for a discussion of the methodology employed by the Department with respect to equity infusions).

Comment 10: The EC avers that "(t)his distinction (between creditworthy and uncreditworthy companies) is a complete innovation and is not provided for anywhere in the GATT. Since that GATT criterion for the determination of a subsidy is the financial contribution of the government, the creditworthiness of the companies is irrelevant."

DOC Position: The fact that the GATT does not address this issue specifically does not preclude consideration of the issue where it arises in the course of a proceeding. As discussed above, the Department does not agree that the only criterion for the determination of the existence of a subsidy under the GATT is the financial contribution of the government. Therefore, the question of the creditworthiness of a borrower is relevant because a loan to a company unable otherwise to obtain credit is a greater benefit to that company than a comparable loan to a company which is able to obtain financing on its own.

Comment 11: The EC argues that the Code must be interpreted in its entirety, and that the various provisions must be considered in relation to each other. In particular, the EC emphasizes that the List prescribes by implication the manner in which subsidies must be determined to exist and must be calculated.

DOC Position: The Department agrees that the Code must be interpreted as a whole. This includes the Code's distinction between subsidies which are prohibited *per se* and subsidies which are prohibited only under certain circumstances. The subsidies which are enumerated in the List are prohibited *per se* under Article 9, and, hence, actionable under "Track II", as provided for under Articles 12, 13, 17 and 18. As its title implies, the List is *illustrative* of the types of practices which constitute grounds for the invocation of Track II dispute settlement procedures.

The list is thus descriptive of *prohibited* practices, not dispositive of the calculation of the value of any subsidy conferred under any particular practice. Thus there is no inconsistency between the Department's calculation of benefits conferred by export subsidies compared with benefits conferred under domestic programs, since the Department employs uniform methodologies without regard to any distinction between the two types of subsidies.

Comment 12: The EC states that "Appendix B (of the Preliminary Determinations) contains a disturbing assertion: 'In the absence of special circumstances, a party receiving a benefit on the production of its merchandise *is not assumed to share a benefit with an unrelated purchaser.*' (47 FR 26307, 26309 (1982) emphasis supplied.) The implication is that the existence of a countervailable subsidy, i.e., 'benefit' can be assumed in certain circumstances * * *." The EC asserts that the Code requires that the elements necessary for the imposition of

countervailing duties be established by positive factual evidence. Further, the EC adds that "(t)he only instance in which Title VII permits a presumption is under section 771(7)(E)(i) * * *."

DOC Position: The Department agrees that determinations as to the existence of a subsidy should be based on verified facts. However, this is possible only insofar as the facts are made available to the Department during the course of a proceeding. As a matter of normal procedure, the Department requests information from all interested parties, including the foreign government involved, in order to establish the facts upon which its determinations may be based. The Department followed this procedure in the instant cases. In those instances where the Department has been forced to make a determination on the basis of incomplete information, the responsibility rests with the interested parties who, despite the requests of the Department, failed to provide such information to the Department in a timely manner.

Where incomplete information has formed the basis of decisions of the Department in particular cases, there is no contravention of the obligations of the Department with respect to the Code or the statute. Article 2 9 of the Code provides:

In cases in which any interested party or signatory refuses access to, or otherwise does not provide, necessary information within a reasonable period or significantly impedes the investigation, preliminary and final findings, affirmative or negative, may be made on the basis of the facts available." Furthermore, Section 776(b) of the Act provides:

"In making their determinations under this title, the administering authority and the Commission shall, whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation, use the best information otherwise available."

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Final Affirmative Countervailing Duty Determination: Carbon Steel Wire Rod From France

AGENCY: International Trade Administration, Commerce.

ACTION: Final Affirmative Countervailing Duty Determination: Carbon Steel Wire Rod from France.

SUMMARY: We have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in France of carbon steel wire rod, as described in the "Scope of the Investigation" section of this notice. However, the estimated net subsidy for Normandie on wire rod is *de minimis.* Therefore, the suspension of liquidation ordered in our preliminary affirmative countervailing duty determination concerning wire rod from Normandie shall be terminated. All estimated countervailing duties shall be refunded and all appropriate bonds shall be released. The estimated net subsidy for Sacilor is indicated under the "Suspension of Liquidation" section of this notice. The U.S. International Trade Commission (ITC) will determine within 45 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Tolerico, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-4036.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we have determined that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in France of carbon steel wire rod, as described in the "Scope of Investigation" section of this notice. The following programs are found to confer subsidies:

- Preferential financing including equity infusions
- Grants
- Certain labor-related aid
- Research and development

We determine the net subsidy to be the amount indicated for each firm in the "Suspension of Liquidation" section of this notice.

Case History

On February 8, 1982, we received a petition from counsel for Atlantic Steel Corp., Georgetown Steel Corp., Georgetown Texas Steel Corp., Keystone Consolidated, Inc., Korf Industries, Inc., Penn-Dixie Steel Corp., and Raritan River Steel Co., filed on behalf of the U.S. industry producing carbon steel wire rod. The petitioners alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in France of carbon steel wire rod. Counsel for petitioners alleged that "critical circumstances" exist, as defined in section 703(e) of the Act. We found the petitions to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on March 1, 1982, we initiated a countervailing duty investigation (47 FR 5739).

Since France is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the ITC of our initiation. On March 26, 1982, the ITC preliminarily determined that there is a reasonable indication that imports of carbon steel wire rod from France are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 13927). We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and to the government of France in Washington, D.C. On May 7, 1982, we received the responses to the questionnaires. A supplemental response was received on may 25, 1982. On July 8, 1982, we issued our preliminary determination in this investigation (47 FR 30553). This stated that the government of France was providing its manufacturers, producers, or exporters of carbon steel wire rod with benefits which constitute subsidies. The programs preliminarily determined to bestow countervailable benefits were:

- Export credit insurance
- Preferential financing including equity infusions
- Grants
- Regional development incentives
- Certain labor-related aid
- ECSC worker housing loans
- Research and development

Scope of the Investigation

For the purpose of this investigation, the term "carbon steel wire rod" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.02 inch nor over 0.74 inch in diameter, not tempered, not treated, and not partly manufactured, and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States.*

Société des Acíeries et Laminoirs de Lorraine ("Sacilor"), Société Métallurgique de Normandie ("Normandie"), and Union Siderurgique du Nord et de l'Est de la France

("Usinor") are the only known producers in France of the subject product exported to the United States.

The period for which we are measuring subsidization is the 1981 calendar year. Sacilor and Normandie, which produced and exported carbon steel wire rod to the United States in 1981, operate by calendar year. Usinor did not export carbon steel wire rod to the United States in 1981, and therefore was not sent a questionnaire.

Analysis of Programs

In their responses, the government of France and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from Sacilor and Normandie.

Sacilor owns a substantial number of shares in Société Lorraine de Laminage Continu (Sollac), which produces steel products, but does not produce wire rod. Sacilor's capital ownership of Sollac is 64.29 percent.

Sollac, in turn, owns 50 percent of Société Lorraine et Méridionale de Laminage Continu (Solmer), which also produces various steel products but not wire rod.

Benefits to Sacilor as a corporate entity except for loss coverage and debt cancellation are allocated over the value of Sacilor's total steel sales, which include its share of Sollac's and Solmer's production. Benefits to Sacilor for loss coverage and debt cancellation are allocated over total corporate sales.

Mines de Soumont (Soumont) is Normandie's wholly-owned iron-mining facility. Soumont sells its entire iron ore production to Normandie at cost. Soumont, therefore, does not function as an independent, profit-seeking company, but instead exists only to provide an essential raw material to Normandie. Therefore, preferential loans and grants to Soumont constitute countervailable benefits to Normandie, and such benefits are allocated over the total value of Normandie's steel production.

Throughout this notice, general principles and conclusions of law applied by the Department of Commerce to the facts of the current investigation concerning carbon steel wire rod are described in detail in Appendices 2–4, which appear with the notice of "Final Affirmative Countervailing Duty Determination: Carbon Steel Wire Rod from Belgium," in this issue of the **Federal Register**.

Based upon our analysis of the petition, responses to our questionnaires, and our verification and oral and written comments by interested parties, we determine the following:

I. Programs Determined To Confer Subsidies

We have determined that subsidies are being provided under the programs listed below to manufacturers, producers, or exporters in France of carbon steel wire rod.

A. Preferential Financing Including Equity Infusions

Petitioners alleged preferential financing in the form of low-interest loans and loan guarantees, and the conversion of accumulated debt into Loans of Special Characteristics.

A number of organizations of the French government and of the European Communities (EC) have issued loans and/or loan guarantees to the French steel industry. The majority of these loans were provided by the following institutions:

• *Fonds de Développement Economique et Social (FDES)*

Created by the French Parliament in 1955, FDES is a fund which provides loans to businesses and corporations in order to further the French government's economic, social, industrial, and regional development objectives. The fund, which is actually a line item in the French government budget, is approved every year by Parliament.

As FDES is not an organization but rather a budgetary item, it is administered by the Ministry of Finance. Loan applications are filed with the Ministry of Finance, but the decision to issue a loan rests with the FDES Board, which is composed of government ministers and career civil servants whose agencies are involved in economic policy.

A semi-public financial institution, Crédit National, disburses FDES funds to recipients approved by the Ministry of Finance (see discussion on Crédit National below).

FDES loans are always part of a global financial package, as other lenders, such as government credit institutions and public and private banks, participate in the funding of a project (an FDES loan never covers the entire cost of a project). Usually, loans are secured by a mortgage or a pledge. We were advised by the government of France that FDES lending rates were consistently lower than commercial rates.

There is some evidence which suggests that FDES loans are available to all industries and regions. At verification, we requested French government authorities to provide sample FDES loan applications and agreements, and to specify the criteria on which these loans were actually granted. The French government was unwilling to provide this information. In light of this refusal, we cannot conclude that these loans were generally available. Therefore, we consider these loans to confer subsidies within the meaning of the countervailing duty law to the extent that they were provided at preferential, below-market rates.

• *Crédit National (CN)*

Crédit National is a semi-public credit institution with special legal status, which issues medium- and long-term loans to French industry, including the steel industry. Loans funds are raised by offering bonds in the public marketplace. These bonds are guaranteed by the government of France.

Crédit National acted as the conduit through which FDES loans were granted to the steel industry. The French government, either directly or through Crédit National, also guarantees some loans to the steel companies. In addition, Crédit National has participated in bank loans to the steel industry through means such as the provision of rediscount privileges to the banks, which in effect constitute a guarantee.

In most cases, Crédit National acts only as part of a loan syndicate. The terms of any loans Crédit National makes on behalf of the French government are set by the French government. We verified that CN loans to the French steel industry were made with government backing and that Crédit National's operating budget is financed by the French government.

There is some evidence suggesting that CN loans are available to all industries and regions. At verification, we requested French government authorities to arrange a meeting with CN officials, to provide sample loan applications, and to specify the criteria on which these loans were actually granted. Since these requests were refused, we were unable to establish that these loans were not given at the direction of the government of France or that CN loans are generally available. Therefore, we consider these loans to confer subsidies within the meaning of the countervailing duty law, to the extent that they are provided at preferential, below-market rates. Similarly, we find the bank loans in which Crédit National participated to confer subsidies within the meaning of the countervailing duty law to the extent that they were provided at preferential, below-market rates.

• *Caisse des Dépôts et Consignations (CDC)*

CDC is a government institution that invests funds deposited in the Caisses d'Epargne (the French savings banks), pension funds, and insurance company deposits. CDC makes both short- and long-term loans to various industries, including steel. During verification, we requested an interview with CDC from French government officials, in order to determine whether CDC loans were generally available. This request was refused. Therefore, we were unable to establish that CDC loans were not given to the steel industry in particular at the specific direction of the government. In light of the above, we cannot conclude that CDC loans were generally available. Therefore, we consider these loans to confer subsidies within the meaning of the countervailing duty law to the extent that they were provided at preferential, below-market rates.

• *European Coal and Steel Community (ECSC) and European Investment Bank (EIB) Loans and Loan Guarantees*

For the reasons discussed in Appendix 3, ECSC industrial investment loans and guarantees and EIB loans and loan guarantees confer countervailable benefits to the extent that the loan was made at a preferential interest rate, or that the guarantee enabled the loan recipient to obtain a preferential interest rate.

• *Groupement de l'Industrie Sidérurgique (GIS)*

GIS was founded in 1946 as a corporation whose sole shareholders were 45 steel companies. The purpose of GIS was to raise money for capital projects of the steel companies. By floating debt instruments in the public marketplace, GIS raised monies to lend to the companies at a rate equal to the rate being paid on bonds issued to the public, plus operating expenses. Five percent of the funds received were left on deposit with GIS to cover individual steel company defaults. Funds were raised in France, other EC countries, and abroad. GIS bonds are backed by unconditional guarantees of the companies, with each company being liable to the bondholders for the sums loaned to it by GIS. No loans have been issued by GIS since 1978, and no principal from previous loans remained outstanding on the steel companies' books in 1981.

• *Specialized Financial Institutions*

A number of private, cooperative financial institutions emerged after World War II to raise capital for various sectors of French industry. By floating bond issues, these cooperative institutions raised capital and made loans to their member companies, including steel companies. Since 1978, none of these institutions has floated bonds or loaned funds to the steel industry. These institutions include:

—Groupement Interprofessionnel Financier Antipollution (GIFIAP): environmental protection;
—Groupement pour le Financement de la Région de Fos (GIFOS): development of the Fos area near Marseille;
—Groupement des Industries de Matériaux de Construction (GIMAT): construction materials;
—Groupement pour le Financement des Economies d'Energie (GENERCO): energy conservation;
—Groupement d'Equipement pour le Traitement des Minerais de Fer (GETRAFER): processing of iron ore.

Because these are private, cooperative institutions that issued loans at non-preferential rates, we find that those loans issued prior to 1978 with principal still outstanding in 1981 do not confer any countervailable benefits.

Our treatment of loans and loan guarantees provided at preferential rates by FDES, Crédit National, bank syndicates in which Crédit National participated, CDC, the ECSC and the EIB is outlined in sections d (i) and (ii) below. Because loans from the GIS and the other specialized financial institutions were not issued after 1978, we did not find them countervailable except when they were converted into Loans of Special Characteristics ("Prêts à Caractéristiques Spéciales" or PACS), as outlined in section d (iii).

We have discussed preferential financing conferred upon Normandie and Sacilor separately as follows:

1. *Sacilor.* a. *The 1978 Rescue Plan.* By 1978, the French steel industry had been experiencing severe financial difficulties for a number of years. Sacilor was unable to pay its debts. In September 1978, the government of France instituted a major recapitalization and restructuring program for the steel industry, hereinafter referred to as the "Rescue Plan."

A primary financial goal of the restructuring was the reduction of the company's debt service burden. This was accomplished in three ways.

First, the banks refunded a certain amount of interest to Sacilor over a five-year period beginning in 1978. Because these refunds were provided under the government-directed Rescue Plan, and were grants to a specific enterprise, we determine that they confer countervailable benefits. For our treatment of these refunds, refer to section d(iv).

Second, the private holding company Marine-Wendel cancelled a portion of Sacilor's debt. Because this forgiveness of debt was provided at the direction of the government, we determine that it confers a countervailable benefit. For our treatment of this debt, see section d (v).

Third, the loans from Crédit National, FDES, the Caisse des Dépôts et Consignations, the GIS, and the other specialized financial institutions, were also converted into PACS. Marine-Wendel converted a portion of its loans to Sacilor into PACS. The PACS bear an interest rate of 0.1 percent until 1983, when they are scheduled to be renegotiated. Principal repayments are suspended until 1983 or whenever the company returns to profitability, whichever is sooner. In addition to the initial 1978 conversions, PACS were also issued between 1979 and 1981. Under the Rescue Plan, Sacilor services both the PACS and other debt owed to Marine-Wendel, CDC, and the FDES. The French government created two institutions to service the debt, including PACS, owed to the remaining lenders. These institutions are the Caisse d'Amortissement pour l'Acier (CAPA), and the Groupement des Emprunts Collectifs de la Sidérurgie (GECS).

CAPA was created to service the debt owed to Crédit National, the GIS, and the other specialized financial institutions. CAPA was initially funded by the French government, state-owned institutional investors, and the Caisse Des Dépôts et Consignations. CAPA services the debt through interest payments on PACS, loans from the French Treasury, and borrowings on the financial markets, which are guaranteed by the French government.

The GECS was created because the French government determined that the holders of bonds issued by the GIS and the other specialized financial institutions should be protected from losses. CAPA reimburses the GECS with the funds it has raised as described above. The GECS then makes principal and interest payments to the bondholders.

Because the PACS were created under the government-directed Rescue Plan and are specific to the steel companies, we find that they confer countervailable benefits. Our treatment of these PACS is outlined in section d(iii).

b. *Equity Infusions.* Two equity infusions were made in Sacilor through which the French government became a shareholder in the company. The first

infusion was made in 1979 under the Rescue Plan, when funds were provided in exchange for stock by CDC, the banks, GIS, FDES, and Crédit National. The second infusion was made in 1981, when PACS held by FDES were cancelled in exchange for stock.

Equity participation by the government is not a subsidy *per se*. Petitioners alleged, however, that government infusions of equity into Sacilor were made at a time when these infusions were not consistent with commercial considerations. We conclude that this, in fact, was the case because of the critical financial condition of the company at the time the infusions occurred (as described in the "Creditworthiness Issue" section below). Therefore, a subsidy potentially exists.

Because the providers of the infusions received stock in exchange for cash, we calculated average stock prices for the period preceding the infusions. We then compared the market value of the new stock issued with the actual value to the company of the equity infusion. Since the actual value was greater than the market value, we determine that the equity infusions conferred a countervailable benefit. The difference is considered to be a grant and is allocated over 15 years, the average useful life of capital assets (see grants section in Appendix 2). For our treatment of equity infusions, refer to section d (iv) and (v) below.

c. *Creditworthiness.* Petitioners alleged that Sacilor is uncreditworthy. In our preliminary determination, we found that, for purposes of this investigation, Sacilor became uncreditworthy by the end of 1975. Upon further examination of the relevant data, we determine that, although Sacilor had a deteriorating financial situation through 1977, it was still in a position to obtain credit from private lenders on terms consistent with commercial considerations without government involvement.

By 1978, Sacilor's financial situation had become so critical that the government of France intervened with the Rescue Plan described above, under which most of Sacilor's debt was converted into PACS. Our analysis of Sacilor's financial statements revealed a pattern of significant operating losses each year from 1975 through 1981 (from a low of FF 1.1 billion in 1979 to a high of FF 2.6 billion in 1981). Sacilor has had increasingly high debt/equity ratios in every one of those years. In light of Sacilor's inability by 1978 to raise funds without the French government's heavy involvement in the company, and the continuing deterioration of the company's financial position, we consider Sacilor to have been uncreditworthy since 1978 for the purposes of this investigation.

d. *Calculation of Countervailable Benefits.* Preferential loans and loan guarantees, PACS, and equity infusions have been treated in the following five ways:

i. *Preferential Loans and Loan Guarantees Issued Prior to 1978.* The subsidy rate for any loan and loan guarantee from CDC, FDES, Crédit National, bank syndicates in which Crédit National participated, the ECSC, and the EIB that was made prior to 1978 for which principal was still outstanding in 1981, and which was made at a rate below the commercial benchmark for a comparable loan in the year of issue, is calculated according to the general methodology for loans and loan guarantees outlined in Appendix 2. For France, we used as the commercial benchmark the monthly financial statistics on secondary market yields of private bonds published by the Organization for Economic Cooperation and Development (OECD). For the discount rate, we used the average annual yield of public and semi-public sector bonds on the secondary market as published by the OECD. Using the method outlined in Appendix 2, we computed a subsidy of 0.000 percent ad valorem for Sacilor.

ii. *Preferential Loans and Loan Guarantees Issued Since 1978.* Because we consider Sacilor to have been uncreditworthy since 1978, loans and loan guarantees issued since then by CDC, FDES, Crédit National, bank syndicates in which Crédit National participated, the ECSC, and the EIB, with principal still outstanding during 1981, are treated as loans to a company considered to be uncreditworthy. Using the equity methodology for loans to uncreditworthy companies (see Appendix 2), we compared the national average rate of return on equity in France with the rate realized in 1981 by Sacilor on its investments. To prevent countervailing a higher amount than if the loan had been an outright grant to the company, we compared the 1981 benefit of these loans under the equity methodology used for loans to uncreditworthy companies, with the result under the grant methodology described in Appendix 2. We computed a subsidy of 1.791 percent *ad valorem.*

iii. *Loans and Loan Guarantees Converted into PACS.* The benefits of Sacilor's PACS were calculated using the equity methodology for loans to uncreditworthy companies as described in part (b) above and as outlined in Appendix 2. In calculating the benefit of loans that were converted into PACS, we did not include those PACS that were subsequently cancelled in exchange for stock. These are discussed in section d (v) below. We calculated a subsidy rate of 6.450 percent *ad valorem.*

iv. *Loss Coverage.* Since the cash infusions in exchange for stock and the interest refunds are not tied to capital assets or explicitly earmarked, we consider these funds available to cover cash-based losses.

We assume that when a company running large cash-based losses receives funds, these funds will be used to meet immediate obligations such as wages, materials, and interest expenses, which are items normally expensed in one year. Based on the above, we are expensing the funds in the year in which they were received to cover the losses of the previous year.

We calculated the annual cash losses as explained in Appendix 2, and compared the funds received to the previous year's losses. In making this comparison, we considered interest refunds before the cash infusions in exchange for equity.

For those years in which the amounts received exceeded losses, except 1981, we treated the excess as follows:

- In the case of interest refunds, we treated the excess as a grant and allocated it over 15 years, the average useful life of capital assets;
- In the case of cash infusions made in 1979 in exchange for stock, we calculated average stock prices for the period preceding the infusions (because the providers of the infusions received stock in exchange for cash). We then compared the market value of the new stock issued with the actual value to the company of the equity infusion. As the actual value was greater than the market value, we treated the difference as a grant and allocated it over 15 years, the average useful life of capital assets (see grants section in Appendix 2).

For 1981, the period for which we are measuring subsidization, we treated the entire amount as a grant for loss coverage, and expensed it in the year received.

We calculated the 1981 countervailable benefits, and allocated them over the total value of Sacilor's sales to calculate an *ad valorem* subsidy rate of 0.183 percent.

v. *Cancellation of Debt.* In 1978, pursuant to the government-directed Rescue Plan, Marine-Wendel cancelled part of Sacilor's debt. Because it did not receive anything in return for this

cancellation, we treated the amount cancelled as a grant, and allocated it over 15 years, the average useful life of capital assets (see grants section in Appendix 2).

At the end of 1981, the government of France cancelled PACS owed to it by Sacilor in exchange for additional shares in Sacilor. At that time, the government's share of ownership reached approximately 90 percent. As stated above, Sacilor has been uncreditworthy since 1978. Therefore, it is doubtful that the government's action was consistent with commercial considerations.

Since Sacilor's stock was traded on the Paris Bourse at the time the French government announced its intention to cancel its PACS for equity (see equity section in Appendix 2), we calculated average stock prices for the period immediately preceding the government's action. We then compared the average stock price with the actual value to the company of the government's equity infusion. As the actual value was greater than the market value, we treated the difference as a grant and allocated it over 15 years, the average useful life of capital assets (see grants section in Appendix 2). We then applied the 1981 net benefit over the value of all sales, and computed an *ad valorem* subsidy of 4.845 percent.

2. *Normandie.* The subsidy amounts for loans made by FDES, Crédit National and the ECSC to Normandie, at rates below the commerical benchmark for a comparable loan in the year of issuance and still outstanding in 1981, are calculated according to the methodology outlined in Appendix 2 in the section dealing with preferential loans and loan guarantees for creditworthy companies. We compared what Normandie would have paid in 1981 on a comparable commercial loan with what the company actually paid on preferential loans in that year. To determine what Normandie would have paid on a comparable commercial loan, we used as the commercial benchmark the monthly financial statistics on secondary market yields of private bonds published by the Organization for Economic Cooperation and Development (OECD). For the discount rate we used the average annual yield on the secondary market of public and semi-public sector bonds as published by the OECD. Accordingly, we found a subsidy of 0.283 percent *ad valorem.*

B. Grants

In 1980, the French government authorized a grant to Normandie which was apparently tied to the industrial use of the LBE process converter. Funds were received by Normandie in 1981. Because the amount authorized and received was less than $50 million, we allocated the grant over the average useful life of capital assets as explained in Appendix 2 and allocated the 1981 amount over Normandie's total steel production to calculate an *ad valorem* subsidy of .001 percent.

C. Certain Labor-Related Aid: Sacilor

French corporations have certain statutory and contractual obligations to pay severance to their employees in case of interruption or cessation of empolyment. There are several French government early retirement plans designed to compensate for the effects of large-scale layoffs. The plan designed to cover all industries is the Fonds National de 1'Emploi (FNE). Because of the significant problems faced by the steel industry with respect to restructuring, early retirement and layoff agreements were negotiated between certain steel companies and the labor unions.

These are the Convention de Protection Sociale of June 1977 (CPS), which applies to engineers and executives of the steel industry, and the Convention Générale de Protection Sociale of July 1979 (CGPS), which applies to all other steel industry workers.

Under these special steel agreements, workers laid off between the ages of 55 and 60 must retire. This is the "anticipated cessation of activity" plan which is financed in the same manner as the FNE; that is, by government, employer, and employee contributions to the unemployment fund, and government contributions financed by company payments.

Workers between the ages of 50 and 55 who are laid off fall under the "dispensation of activity" plan. Under this plan, the workers are still under contract to the company but their salaries are paid by the government. While the companies are under no contractual or statutory obligation to pay wages to laid-off workers, they do have contractual and statutory obligations to pay severance to laid-off workers. Since the workers who are laid off at age 50 continue to receive wages, the companies' requiremrnt to pay severance is deferred until the worker reach age 55. The benefit to the steel companies is the difference between the liability accrued in each year for severance pay and the actual expense incurred in each year for severance pay.

We considered this benefit to be a grant to Sacilor. Because the benefit is less than one percent of the total value of 1981 steel production, and is tied to an item normally expensed in one year, we allocated the 1981 benefit over the total value of Sacilor's 1981 steel sales, and calculated a subsidy rate of 0.947 percent *ad valorem.*

D. Research and Development (R&D)

Research and development for the French steel industry is conducted by the Institut de Recherches de la Sidérurgie Française (IRSID). IRSID was established by the French steel companies, which underwrite the major portion of IRSID's budget. However, according to IRSID's 1980 annual report, the French government contributed at least three percent of IRSID's yearly budget, and the ECSC contributed ten percent.

At verification, w were not allowed to meet with IRSID officials and were not provided with a 1981 annual report or any IRSID official documents. For this reason, and because we were told that the results of IRSID research were not released to the public, and that the research is industry specific, we consider that portion of IRSID's budget funded by the government of France to be countervailable. However, we find that R&D funding provided to IRSID by the ECSC is not countervailable, as the results of the ECSC-funded research are made publicly available by the ECSC. To calculate the 1981 countervailable benefit, we are using IRSID's 1980 annual report as the best information available. The French government's share of IRSID's budget is 3 percent. We applied this amount to the total value of 1980 French steel sales, because the benefits of the research were available to all steel companies that are members of IRSID. We calculated a net subsidy for all products and all companies of 0.007 percent *ad valorem.*

II. Programs Determined Not To Be Subsidies

We have determined that subsidies are not being provided under the following programs to manufacturers, producers, or exporters in France of carbon steel wire rod.

A. Export Credit Insurance

The Compagnie Française d'Assurance pour le Commerce Extérieur (COFACE) is a government corporation that provides export insurance to cover commercial, political, exchange rate fluctuation and inflation risks. For our preliminary determination, we reviewed COFACE's 1980 annual report (the most recent report available) and found that, while the company showed an overall profit, its insurance activities operated at a deficit. Revenues

from financial and real estate investments allowed COFACE to offset the operating deficit on insurance. Our preliminary review of the annual reports for 1976–1980 revealed a pattern of yearly operating deficits on insurance activities that were offset by revenues from investments. However, we reviewed the 1981 data and verified that only the political risk program sufffered losses, not the commercial risk program. We also verified that premiums for COFACE's commercial risk insurance program exceeded losses incurred by that program. Consequently, we have determined that COFACE export insurance does not confer a subsidy with respect to exports to the United States.

B. Vocational Training Assistance

We verified that the only vocational training assistance programs utilized by the respondents during 1981 were provided through the European Social Fund (ESF), the Fonds National de l'Emploi (FNE) and the Association de Formation de l'Est (AFOREST), a regional training organization operating under the auspices of the regional Chamber of Commerce and financed by dues from members.

In our preliminary determination, we assumed that these programs were aimed at retraining steelworkers for jobs within the steel industry. However, we verified that the vocational training programs are aimed at retraining workers for jobs other than steel production. For those workers subsequently reemployed in the steel industry, we found that they were reemployed in jobs not related to steel production. Therefore, we have determined that these programs do not confer subsidies under the countervailing duty law.

C. ECSC Worker Housing Loans

For the reasons described in Appendix 3, we reverse our preliminary determination that these loans confer a subsidy on steel companies whose workers receive them, and determine instead that they do not.

D. Certain Labor-Related Aid: Normandie

Normandie received labor assistance in the form of reimbursements from FNE for payments to laid-off workers. Because assistance from FNE is generally available we determine that it does not constitute a countervailable benefit.

E. Research and Development Assistance

Three government organizations provided a small amount of R&D funding to French steel companies included in this investigation:

- Agence Nationale de Valorisation de la Recherche (ANVAR): a public corporation which is designed to support innovation and enhance research;
- Direction Générale de la Recherche Scientifique et Technique (DGRST): a subdivision of the Ministry of Research and Technology; and
- Agence de l'Informatique (ADI): a public corporation which promotes the use of computer technology.

We verified that R&D funding was not awarded on a regional or industry-specific basis, and that research results were made publicly available. Therefore, we have determined that the amounts received through these programs do not confer subsidies within the meaning of the Act.

F. Energy Assistance

The French steel companies involved in this investigation received a few small grants from the Agence pour les Economies d'Energie (AEE). The AEE is a government agency, created in 1974, that provides grants to foster energy efficiency. Grants received from the agency may have to be repaid if target efficiency levels are not met. Early in 1982, the AEE was merged with several other agencies to form the Agence Française pour la Maîtrise de l'Energie (AFME). We verified that these grants were not provided on a regional or industry-specific basis. Therefore, we have determined that the amounts received from AEE by the steel companies included in this investigation do not confer subsidies.

G. Regional Anti-Pollution Agencies

Created by Law No. 64–1245 of 1964, these regional agencies, known generally as "Agences Financières de Bassin," provide incentives for the installation of anti-pollution devices. We believe that these programs are generally available, and do not benefit a specific group of industries. The agencies' operations are funded by dues from industrial users. In return, they award bonuses and loans to combat pollution.

In addition, the dues paid to these agencies by the steel companies involved in this investigation exceeded the amounts that they received. For these reasons, we find that the funds received do not confer subsidies.

H. Assistance to Improve Working Conditions

One of the steel companies involved in this investigation indicated that it had received a small grant from the Agence Nationale pour l'Améloiration des Conditions de Travail (ANACT). ANACT is a public corporation, established in 1973, to promote better working conditions. Because ANACT funds are not granted on a regional or industry-specific basis, we find that the amounts provided do not confer subsidies.

I. Assistance to Coal Suppliers

In our preliminary determination, we found that subsidies to French coal producers did not bestow a countervailable benefit upon the production, manufacture or exportation of French steel.

Between the preliminary determination and this final determination, we analyzed and verified aspects of the French coal subsidy program as it applies to steel. Based upon the verified information in the records of this investigation, we find that this program does not confer a countervailable benefit on French steel producers for the following reasons.

Benefits bestowed upon the manufacturer of an input do not necessarily flow down to the purchaser of that input if the sale is transacted at arm's length. In an arm's length transaction, the sellers generally attempt to maximize their revenue by charging as high a price as the market will bear. Where the price charged in an arm's length transaction for a subsidized input exceeds the market price for that input, we do not believe that any portion of the subsidy flows to the purchasers of the subsidized input. On the other hand, where the price of a subsidized input is lower than the market price, part or all of the subsidy may well be used to allow the subsidized manufacturer to undercut the market price. If so, then part or all of the subsidy does flow to the purchaser of the subsidized input; without at least part of that subsidy the subsidized manufacturer could not undercut the market price, and the purchaser would consequently pay the higher market price to the unsubsidized manufacturers.

These principles apply to French coal sales as follows. We find that the price charged for French coal does not undercut the market price. Absent special circumstances warranting a contrary conclusion, French steel producers apparently do not benefit from French coal subsidies as long as

the price for French coal does not undercut the market price.

Further consideration is warranted, however, for one special circumstance. The government of France directly or indirectly owns all French coal producers and partially owns Sacilor. The issue arises whether transactions between them are conducted on an arm's-length basis. We do not believe that government ownership *per se* confers a subsidy, or that common government ownership of separate companies necessarily precludes arm's-length transactions between them. To determine whether coal sales between government-owned coal and steel producers appear to have been consummated on arm's-length terms, we considered whether the government-owned coal producers sold to the government-owned steel producers at the prevailing market price. We found that French coal producers did charge the prevailing market prices. On this basis, we conclude that coal subsidies were not conferred on steel producers as a result of government ownership.

Regarding the allegation that the French steel industry indirectly benefits from German government assistance provided to the coal industry in the Federal Republic of Germany, we do not consider such assistance to confer a countervailable benefit on the French steel industry for the reasons outlined in Appendix 2.

The ECSC provides various production and marketing grants to ECSC coal and coke producers. However, we do not consider this assistance to confer a countervailable benefit on the French steel industry for the reasons described in Appendix 3.

J. Relocation and Moving Benefits

A number of employees have been relocated from Sacilor, to Solmer's plant at Fos-sur-Mer near Marseilles. The workers' relocation and moving expenses were initially financed by advances from Sacilor to Solmer. The workers were reimbursed with ECSC funds channeled through the Fonds National de l'Emploi (FNE), which were forwarded to Solmer by the workers. Solmer in turn repaid Sacilor.

We have determined that because Solmer does not make the product under investigation this transaction did not benefit the production of wire rod, and is therefore not countervailable with respect to wire rod.

III. Programs Determined Not To Be Used

We have determined that the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigation" are not used by the manufacturers, producers, or exporters in France of carbon steel wire rod.

A. Regional Development Incentives

The government of France provides a series of tax and non-tax regional incentives to French and foreign businesses to establish new, or to expand existing, businesses in certain French regions.

The Délégation à l'Aménagement du Territoire et à l'Action Régionale (DATAR) coordinates the programs of various government agencies and ministries. For incentive purposes, France is divided into four zones. Each zone, or part of a zone, is eligible for different types or levels of assistance. The assistance includes development grants, non-industrial grants, research and development grants, decentralization indemnities, and job training subsidies.

We have no evidence that DATAR provided any benefits to the steel companies involved in this investigation.

B. Special Fund for Industrial Adaption

Petitioners alleged that French steel companies received grants and preferential loans through the Fonds Spécial d'Adaptation Industrielle (FSAI). FSAI was established in 1978 to promote job creation and industrial diversification in the steel, textile, shipbuilding and coal regions of France. We have no evidence that the steel companies included in this investigation received benefits from FSAI.

C. Export Financing

In France, exports may be financed or guaranteed through the Commission Interministérielle des Garanties et du Crédit au Commerce Extérieur and the Banque Française due Commerce Extérieur (BFCE). We have no evidence that the steel companies involved in this investigation availed themselves of any of these programs.

D. European Regional Development Funds (ERDF)

This program is described in Appendix 3. We found no evidence that any company under investigation received ERDF funds.

IV. Petitioners' Comments

Comment 1: Counsel for petitioners argue that a more thorough investigation should be done with respect to Marine-Wendel's forgiveness of debt to Sacilor.

DOC Position: During verification, we requested additional information concerning Marine-Wendel's actions in relation to the debt owed to it by Sacilor. We also reviewed Marine-Wendel's participation in the Rescue Plan. Our determination in regard to Marine-Wendel's actions is included in the "Preferential Financing" section of this notice.

Comment 2: Counsel for petitioners argue that all domestic subsidies in a country should be countervailed, even if they are available to all industries.

DOC Position: See Appendix 4.

Comment 3: Counsel for petitioners argue that the time period to use in determining if critical circumstances exist is the period before the petitions are filed.

DOC Position: See Appendix 4.

Comment 4: Counsel for petitioners argue that for purposes of critical circumstances domestic subsidies should be considered in determining whether there is a subsidy inconsistent with the Agreement.

DOC Position: See Appendix 4.

Comment 5: Counsel for petitioners allege that imports from France were "massive" in the sense of section 703(e) of the Act.

DOC Position: See Appendix 4.

Comment 6: Counsel for petitioners argue that, in our preliminary determination, the use of the same discount rate for creditworthy and uncreditworthy companies understates the present value of the subsidy.

DOC Position: See Appendix 2.

Comment 7: Counsel for petitioners argue that ECSC subsidies to coal benefit French steel companies and are therefore countervailable.

DOC Position: See Appendix 3.

Comment 8: Counsel argues that French government subsidization of coal producers confers subsidies on French steel producers.

DOC Position: For the reasons indicated above in the "Assistance to Coal Suppliers" section, we have determined that subsidies conferred by the French government on coal producers do not pass through to steel producers.

Comment 9: Counsel for petitioners contends that the Department overestimated the value of Sacilor shares received by the Government of France. Lacking the ability to determine a realistic value of this stock, the Department should attribute no value whatsoever to it.

DOC Position: We used Sacilor's stock market value as the best information available to make a reasonable valuation of company shares, as discussed in Appendix 2.

Comment 10: Counsel for petitioners disagrees with our addition of Sollac's

and Solmer's values of production in the calculation of *ad valorem* subsidies.

DOC Position: In our final determination we have used the total value of Sacilor's steel sales, which includes Sacilor's share of Sollac's and Solmer's steel production, for subsidy programs attributable to Sacilor's entire steel production. See Appendix 2.

Comment 11: Counsel for petitioners contends that any control which Sacilor has exercised over Normandie since the initiation of the case should be reflected in this determination.

DOC Position: At the moment, our best information is that Normandie has not yet concluded an arrangement with Sacilor. If a merger does take place between Sacilor and Normandie, however, Normandie will be assessed any wire rod deposit rate applicable to Sacilor. A merger between Normandie and any other company would result in the application of the "All Others" deposit rate to Normandie, which is equal to Sacilor's rate.

Comment 12: Counsel for petitioners asserts that benefits attributable to Sollac and Solmer should be included in the rate for Sacilor because Sollac and Solmer produce billets.

DOC Position: Our best information indicates that Sollac and Solmer do not produce billets.

V. Respondents' Comments

Comment 1: Counsel contend that Crédit National is not a government credit institution, but a private bank subject to normal commercial practices, and that CN loans and loan guarantees are not industry-specific.

DOC Position: We agree, as indicated in the section on preferential financing above, that there is some evidence to suggest that Crédit National loans are available to all industries. However, the government of France would not provide us with the criteria on which the loans were based. We were not allowed to meet with Crédit National officials or to view sample Crédit National,loan applications. Therefore, we were not satisfied that CN loans were not industry-specific, and that they were not subsidies.

With regard to Crédit National's legal status, France's foremost authority in administrative law, Professor André de Laubadère, states in his "Traité Elémentaire de Droit Administratif" (Librairie Générale de Droit et de Jurisprudence, Paris, 1966, vol. 3):

(pp. 439–440)

"Un troisiéme groupe d'organismes est constitué par les *Instituts spécialisés* que l'on dénomme fréquemment 'auxiliaires' ou encore 'alliés' . . . du Trésor et dont l'intervention est née du fait qu'elle porte sur des secteurs dont la rentabilité n'est pas suffisante pour attirer les crédits bancaires. Mais ces instituts sont eux-mêmes trés divers:

(* * *)

"D'autres sont des *sociétés de droit privé,* mais dotées d'un statut particulier qui les soumet à un contrôle étroit de l'Etat et qui conduit à les appeler généralement *organismes para- ou semi-publics* (Crédit National, etc.)."

(pp. 448–449)

"A côté des établissments publics (* * *), on recontre des institutions financières spécialisées qui jouent un rôle anologue et qui, quoique privées, occupent encore une place dans les institutions de l'Etat-banquier parce qu'elles servant également d'intermédiaires ou relais pour le Trésor; elles reçoivent du reste, en raison de ce rôles, des dotations de l'Etat et comportent, de sa part, des contrôles très particuliers qui les font qualifier d'organismes 'para-publics' ou 'semi-publics'.

"Ce sont notamment le *Crédit National* (* * *).

"Le cas du Crédit National est particulièrement intéressant car il * * * illustre la montée du rôle bancaire de l'Etat.

"(* * *) le *Crédit National* est devenu un instrument de financement de l'industrie par des prêts à long et moyen terme mais il est, à cet égard, un moyen de réaliser une politique de prêts des pouvoirs publics, un relais de l'Etat.

"Il en résulte un caractère complexe de cette institution aussi bien en ce qui concerne sa structure que son rôle:

"En ce qui concerne sa *structure,* le Créit National est une société anonyme de droit privé dont le capital a été souscrit par les principaux établissements de crédit et par les plus importantes entreprises industrielles françaises. Mais l'Etat possède des prérogatives exorbitantes sur son organisation et son fonctionnement: le président du conseil d'administration et les deux directeurs sont nommés par décret; deux des censeurs, chargés des fonctions de surveillance, sont nommés par le ministre des Finances et sont, en fait, le directeur du Trésor et les directeur de la Caisse des Dépôts.

"Quant à son *rôle,* le Crédit National, s'il est une banque, est une banque chargée d'une mission d'intérêt général. Ce trait est accentué par l'importance actuelle du rôle du Créit National comme distributeur de fonds du F.D.E.S. et comme auxiliaire de l'éxécution du Plan. Sans doute, certains prêts sont consentis par le Crédit National sur sa seule décision, lorsqu'ils proviennent de fonds propres; mais d'autres prêts sont consentis soit après avis spontanément demandé au Commissariat du Plan, soit sur décision préalable du Conseil de direction du F.D.E.S.; ces derniers sont ceux qui sont effectués à l'aide des fonds du F.D.E.S. transitant par le Crédit National; ils constitutent la partie la plus importante des opérations de celui-ci."

(Translation)

(pp. 439–440)

"A third group of organizations comprises the *Specialized Institutions,* which are frequently labelled as 'auxiliaries' or 'allies' * * * of the Treasury, and whose intervention was brought about by the fact that it bears on areas the profitability of which is inadequate to attract bank loans. These institutions, however, are themselves very diverse in nature:

(* * *)

"Others are *private corporations* under a special legal status that submits them to tight state control and causes them to be generally referred to as *par- or semi-public organizations* (Crédit National, etc.)."

(pp. 448–449)

"In addition to public entities (* * *), one also encounters specialized financial institutions which play a similar part and which, although they are private, also fit within the framework of the Banker-State because they also serve as intermediaries or relays for the Treasury; besides, they receive, because of this role, funds from the State which entail very particular controls by the State, which causes them to be called 'para-public' or 'semi-public' organizations.

"Among these are Crédit National (* * *).

"The case of Crédit National is particularly interesting as it * * * illustrates the ever-growing role of the State as a banker.

"(* * *) Crédit National has become a financing instrument for industry through medium- and long-term loans, but it is, in this regard, a means for the implementation of the government's lending policy, a relay of the State.

"As a consequence, this institution presents complex characteristics as regards its structure as well as its role: "With respect to its *structure,* Créit National is a private corporation whose capital stock was subscribed by the principal credit institutions and the largest French industrial corporations. The State, however, possesses exorbitant rights of oversight with regard to its organization and activities: its president and both executive directors are appointed by government decree; two of its four censors, which supervise the organization's activities, are appointed by the Minister of Finance and are actually the Director of the Treasury and the Director of the Caisse des Dépôts (et Consignations).

With respect to its *role,* Crédit National * * * is a bank entrusted with a mission of general interest. This is emphasized by Crédit National's role as a conduit for F.D.E.S. funds and as an auxiliary to the implementation of the (Five-Year) Plan. It is true that certain loans are granted by Crédit National on its own, when they are backed by Crédit National's own funds; other loans, however, are granted either after seeking the National Planning Board's opinion, either by a prior decision of the F.D.E.S. executive board; the latter loans are those made with F.D.E.S. money transiting through Crédit National; they constitute the larger part of its operations."

These excerpts demonstrate that although Crédit National is legally a private corporation, it was created by a special law, the majority of its stockholders are state-owned banks and financial institutions, and the

government of France exercises tight control over Crédit National's operations. Further, Crédit National does not make loans under purely commercial considerations and acts as an agent of the government of France.

Comment 2: Counsel argue that FDES loans are not made on a regional basis, and therefore are not countervailable.

DOC Position: As indicated above in the section on preferential financing, there is some evidence to suggest that FDES loans are available to all regions. However, FDES is a government fund administered by the French Treasury. The government of France would not provide us with the criteria on which the loans were based. Therefore, we are not satisfied that FDES loans were not regional and that they did not confer subsidies.

Comment 3: Counsel for Sacilor argues that the Rescue Plan was not instituted by the government of France, but rather was the product of negotiations between Sacilor and its creditors, and that because the Rescue Plan was consistent with rational commercial policies, there were no countervailable benefits from either the PACS or other elements of the Plan.

Counsel contend that the creditors acted reasonably, based on their conclusion that Sacilor would return to profitability as a result of the Rescue Plan.

Counsel for Sacilor further contends that "Sacilor's borrowing capacity, and thence its creditworthiness, was restored" as a result of the Rescue Plan.

DOC Position: We concur that the negotiations that led to the Rescue Plan included Sacilor's creditors. However, this point is immaterial because the result of the negotiations was substantial government intervention in the steel companies' financing, which was the intent of the creditors. Further, normal commercial considerations do not usually involve government intervention to the extent of the Rescue Plan.

With respect to the second argument, the creditors' forecast of return to profitability hinged on the guarantees given by the government of France that the steel companies would be relieved of the responsibility of servicing their debt. Those circumstances are not consistent with commercial considerations.

With regard to the Rescue Plan, we are not in a position to determine its success or failure; however, we do note that Sacilor continued to sustain persistent, heavy losses and show unfavorable financial ratios in succeeding years when loans were made, up to the present time. Therefore, for purposes of this investigation, Sacilor remains uncreditworthy.

Comment 4: Counsel contends that Sacilor is creditworthy because it received loans from both nationalized and private banks through 1980.

Counsel for Sacilor argues that the Department should not have used hindsight in deciding whether the lenders acted in accordance with commercial considerations.

DOC Position: In our preliminary determination, we found Sacilor to have been uncreditworthy since the end of 1975. Upon further examination of the relevant data, we determined that, although Sacilor had a deteriorating financial situation through 1977, it was still in a position to obtain credit from private lenders on terms consistent with commercial considerations without government involvement.

Even though Sacilor received loans from private banks after 1978, most of these loans were given with express government guarantees, and thus are not evidence of the ability of the firm to raise funds on its own, and several were made at the express request of the government to the banks.

Beginning with the 1978 Rescue Plan, there has been an obvious pattern of French government direction of funds into the steel industry. We judge that the funds poured into Sacilor have been the result of French government targeting, and absent that targeting, Sacilor could not have obtained the funds on an arm's length, commercial basis, in view of the heavy persisting losses and the unfavorable financial ratios. Consequently, we determine that Sacilor remained uncreditworthy from 1978 into the period for which subsidies are being measured.

With regard to the hindsight argument, we reiterate that our assessment of the creditworthiness of the companies for any given year is based on conditions *at that time,* and not hindsight (see Appendix 2).

Comment 5: Counsel for Sacilor argues that, when PACS are properly viewed as equity, the debt/equity ratio decreases to an acceptable level, and that PACS are at least as valuable to the creditors as the loans that they replaced.

DOC Position: We consider the PACS to be debt, because they are actually called loans ("*Prêts* à Caractéristiques Spéciales"), bear interest, albeit at a very special rate, and must be repaid when the recipients return to profitability. Accordingly, they should not be included in the equity side of the debt/equity ratio. As discussed earlier, we calculated the benefit of PACS using the equity methodology for loans to uncreditworthy companies outlined in Appendix 2.

Comment 6: Counsel for Sacilor argues that premiums paid over market value of stock are common in takeovers where the objective is to gain control over the company. Counsel also asserts that the French securities market is notoriously inefficient because it is a thin market, and cites four examples of premiums for stock in companies with losses.

DOC Position: We agree that in a commercial takeover by private investors, premiums may be paid over the stock market price. However, in this instance we are not dealing with a commercial undertaking, but rather with a French government nationalization of the steel companies, which were not in a financial condition where a "control premium" would be expected in a commercial context (see Appendix 2).

As described in Petitioner's Comment 9, we used Sacilor's stock market prices as best information available to make a fair valuation of the company's shares, for the reasons described above and in Appendix 2.

Comment 7: Counsel for Sacilor contends that Sollac's and Solmer's benefits should not be aggregated with Sacilor's.

DOC Position: We agree with counsel. Neither Solac nor Solmer produces wire rod and benefits to them are therefore not attributable to Sacilor's wire rod production. However, benefits to Sacilor's total steel production were allocated over total steel sales; benefits to the corporate entity as a whole (e.g., loss coverage) were allocated to Sacilor's total sales. See Appendix 2.

Comment 8: Counsel for Normandie contends that COFACE's commercial risk and political risk insurance programs should be considered separately, as the former operates at a profit and the latter at a loss. Normandie's exports to the United States are insured under the commercial risk program exclusively.

DOC Position: We agree with counsel's argument, and have taken it into account in section II–A of this notice.

Comment 9: Counsel argues that, as Sacilor's obligation to pay severance to laid-off workers is contractual rather than statutory, there can be no subsidy. He also contends that Sacilor's contractual agreement was to serve as a conduit for government largesse.

DOC Position: We determine that the steel companies do have contractual and statutory obligations to pay serverance to laid-off workers.

We agree with counsel for Sacilor that the companies have contractual obligations to their workers. We find these contractual obligations to be legally binding.

We agree that the companies serve as conduits for the distribution of certain funds, and we are not countervailing against them in this respect.

Comment 10: Counsel for Sacilor alleges that the interest rates chosen as benchmarks for our preliminary determination often exceeded the official rates. Counsel argues that rates in excess of those published by the OECD are arbitrary.

DOC Position: We are using the rates published by the OECD in this final determination.

Comment 11: Counsel for Sacilor asserts that our preliminary determination treats funds received by Sacilor from FNE and AFOREST as subsidies. Counsel states that the funds received from FNE for relocation and moving expenses and retraining of workers did not benefit in any manner Sacilor. Sacilor was at no time under any legal or contructual obligation to retrain these employees.

DOC Position: We agree that the retraining and relocation of workers did not provide any benefits to Sacilor, for the reasons stated in section II–B and II–J of this notice.

Comment 12: Counsel for respondents assert that the allegedly new methodology used in the preliminary determination should be rejected for failure to follow proper administrative procedures.

DOC Position: See Appendix 4.

Comment 13: Counsel for respondents argue that the methodology used in the preliminary determination to calculate the benefits of loans and equity infusions is incorrect.

DOC Position: Neither counsel for petitioners nor counsel for respondents provided convincing reasons for adopting their suggestions. For further information, see Appendix 2.

Comment 14: Counsel argue that the grants methodology which involves the imputation of a future value designed to reflect the time value of money is a violation of the prohibitions in Article IV, ¶ 3 of the GATT; Article IV, ¶ 2 of the Subsidies Code; and Section 701(a) and Section 703(d)(2) of the Act, against imposing countervailing duties in excess of subsidies.

DOC Position: See Appendix 4.

Comment 15: Counsel argues that no standards have been articulated for determining creditworthiness.

DOC Position: See Appendix 2.

Comment 16: Counsel contends that, because the Rescue Plan is akin to a Chapter XI reorganization proceeding under U.S. bankruptcy law, it is not countervailable.

DOC Position: See Appendix 4.

Comment 17: Counsel for Sacilor argues that the assumption of financing costs is not countervailable. Relying on the illustrative list of domestic subsidies contained in section 771(5)(B) of the Act, he argues that only the assumption of operational costs is countervailable. In addition, he argues that because the accounting definition of "operating costs" does not include interest-related revenues and expenses, we should not countervail the provision by the government of funds which relieve a business of its interest obligations.

DOC Position: We disagree. Any preferential absorption by a government of a cost of doing business—be it wages, materials, taxes on income, or interest expenses—can give rise to a subsidy, as recognized in subsection 771(5)(B)(iv) of the Act. We find that a subsidy to relieve debt expenses is an assumption of a cost of manufacture, production, or distribution within the meaning of subsection 771(5)(B)(iv), and is therefore countervailable. Although subsection 771(5)(B)(iii) of the Act lists as an example of a subsidy "funds * * * to cover operating losses," this illustrative example does not permit us to ignore the language of subsection 771(5)(B)(iv).

Comment 18: Counsel for Sacilor contends that the success of GIS in floating bond issues is proof of the creditworthiness of his client.

DOC Position: In his response to our questionnaire, counsel indicated that GIS has not floated any issues nor made any loans since 1978, in our judgment the year Sacilor became uncreditworthy.

In addition, Sacilor's GIS loans were converted to PACS because Sacilor was unable to repay them under their original terms.

Comment 19: Counsel states that equity subsidies were accepted by Sacilor as a holding company and not tied to any particular division or activity, and therefore should be allocated over total consolidated revenues.

DOC Position: It is the Department's judgment that the 1981 equity subsidies were conversions of loans tied to steel production, and consequently are allocated over total value of steel production. However, 1979 equity subsidies were considered under loss coverage and allocated over total sales.

Comment 20: Counsel maintains that because United States imports from Sacilor have declined, and because no export subsidies were found, critical circumstances should not be found to apply to his client.

DOC Position: For our determination regarding critical circumstances see the section below.

Negative Determination of Critical Circumstances

Petitioners alleged that imports of carbon steel wire rod under investigation present "critical circumstances." Under section 355.29 and 355.33(b) of the Department's regulations, critical circumstances exist when the alleged subsidies include an export subsidy inconsistent with the Agreement, and there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

We have not found any export subsidies in this investigation. Therefore, critical circumstances do not exist in this investigation on carbon steel wire rod from France.

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determination. During this verification, we followed normal procedures, including inspection of documents, discussions with government officials and on-site inspection of manufacturers' operations and records.

Administrative Procedures

The Department has afforded interested parties an opprotunity to present oral views in accordance with its regulations (19 CFR 355.35). A public hearing was held on July 12, 1982. In accordance with the Department's regulations (19 CFR 355.34(a)), written views have been received and considered.

Suspension of Liquidation

As explained in this notice, we have determined that no countervailable benefits are being provided to Normandie, because the amount of the estimated net subsidy during the period for which we are measuring subsidization is 0.291 percent *ad valorem*, which is *de minimis*. The suspension of liquidation ordered in our preliminary affirmative countervailing duty determination for Normandie shall be terminated upon publication of this notice. All estimated countervailing duties shall be refunded, and all appropriate bonds shall be released in accordance with § 355.33(g) of the Department of Commerce Regulations (19 CFR 355.33(g)). The suspension of liquidation ordered in our preliminary affirmative countervailing duty

determination for Sacilor shall remain in effect until further notice. The estimated net subsidy is as follows:

Manufacturer/producer/exporter	Ad valorem rate (percent)
Sacilor:	
Carbon Steel Wire Rod	14.223
Normandie:	
Carbon Steel Wire Rod	0.000
All Other Maufacturers/Producers/Exporters:	
Carbon Steel Wire Rod	14.223

We are directing the United States Customs Service to require a cash deposit or bond in the amount indicated above for each entry of the subject merchandise entered on or after the date of publication of this notice in the **Federal Register**. Where the manufacturer is not the exporter, and the manufacturer is known, the rate for that manufacturer shall be used in determining the amount of cash deposit or bond. If the manufacturer is unknown, the rate for all other manufacturers/producers/exporters shall be used.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine within 45 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all securities posted or cash deposited as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, within 7 days of notification by the ITC of that determination, we will issue a countervailing duty order, directing Customs officers to assess countervailing duty on carbon steel wire rod from France entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the net subsidy determined or estimated to exist as a result of the annual review process prescribed by section 751 of the Act. The provision of section 707(a) of the Act will apply to the first directive for assessment.

Dated: September 21, 1982.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 82-26459 Filed 9-24-82; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Charges for Certain Cotton Apparel Products From the Philippines

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Deleting charges for infant's cotton playsuits in T.S.U.S.A. Number 383.5047 from the level of restraint established for Category 337 pt. (adult-sized cotton playsuits), produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1982. This will result in a reduction of 1,958 dozen in imports currently charged to that level. In addition, T.S.U.S.A. Number 383.5047 is being deleted from the coverage of the level for Category 337 pt. (adult-sized cotton playsuits).

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654)).

SUMMARY: Effective on April 1, 1982, T.S.U.S.A. Numbers 383.5047 (infants' cotton playsuits) and 383.5049 (cotton playsuits other than infants' playsuits) were established within Category 337, replacing T.S.U.S.A. Number 383.5050. Infants' cotton playsuits, i.e., T.S.U.S.A. Number 383.5047, are intended to be excluded from the level of restraint established for adult-sized cotton playsuits in Category 337 pt.

EFFECTIVE DATE: September 28, 1982.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, there was published in the **Federal Register** (46 FR 61688) a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, including Category 337 pt. (adult-sized cotton playsuits), produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to delete T.S.U.S.A. 383.5047 (infants' cotton playsuits) from the coverage of the level of restraint previously established for Category 337 pt. (adult-sized cotton playsuits). The Commissioner is further directed to deduct 1,958 dozen from charges to the level which have been exported during 1982 and imported during the April–August 30, 1982 period. This amount represents imports charged in T.S.U.S.A. 383.5047.

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 24, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 14, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Philippines.

Effective on September 28, 1982, you are directed to exclude TSUSA Number 383.5047 from the coverage of the level of restraint established for Category 337 pt., produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1982. This exclusion is in addition to the current exclusion of TSUSA Numbers 383.0335, 383.0830, and 383.5036.

Also effective on September 28, 1982, the amount of 1,958 dozen should be deducted from charges made to the level of restraint established for Category 337 pt. in the directive of December 14, 1981. This reduction accounts for merchandise in T.S.U.S.A. Number 383.5047, exported during the agreement year which began on January 1, 1982 and imported during the period which began on April 1 and extended through August 30, 1982.

The actions taken with respect to the Government of the Republic of the

Philippines and with respect to imports of cotton textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-26658 Filed 9-24-82; 10:48 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

Hearing on Smoke Detectors

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of hearing.

SUMMARY: The Commission has scheduled a hearing to explore efforts necessary to promote the increased use and proper maintenance of smoke detectors.

DATE: The hearing will be held at 9:00 a.m. on October 4, 1982.

ADDRESS: The hearing will be held in the third floor conference room at 1111 18th Street, N.W., Washington, D.C.

FOR ADDITIONAL INFORMATION CONTACT: Dr. Elizabeth F. Johnson, Office of Outreach Coordination, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6580.

SUPPLEMENTARY INFORMATION: Fire is a very serious cause of death and injury to consumers in this country. A number of state and local governments, associations, insurance companies, federal agencies, consumer organizations, industry and businesses are working to reduce fires by encouraging the installation of smoke detectors. While a recent survey of the U.S. Fire Administration has found that approximately 60 percent of the homes in the U.S. have smoke detectors, a significant number of homes do not. In addition, proper maintenance of smoke detectors must be assured in homes where they are present.

In order to explore the further efforts that are necessary to promote the increased use and proper maintenance of smoke detectors, the Commission has scheduled a public hearing. It will focus on the following subjects:

1. Current smoke detector technology;
2. Effectiveness of those currently in use;
3. Voluntary standards;
4. State and local codes;
5. Information and education activities.

The Commission staff has already been in contact with some members of the public who plan to participate in the hearing. The morning session will be a "legislative-type" hearing, with presentations by members of the public and questions by the Commissioners and staff. Presentations will be generally limited to five minutes. Any member of the public interested in making a presentation should telephone Dr. Elizabeth Johnson at (301) 492-6580, no later than September 30, 1982. Please be prepared to give her the subject(s) of your presentation, one or more of those listed above.

The afternoon session of the hearing will have a different format, designed to encourage discussion among all Commission and non-Commission participants. This general discussion will be open to all members of the public, whether or not they made a presentation in the morning. While not required, it would be helpful for members of the public who want to participate only in the afternoon session to contact Dr. Johnson.

The hearing will be held in the third floor conference room at 1111 18th Street N.W., Washington, D.C. and will begin at 9:00 a.m.

(Sec. 27(a) of the Consumer Product Safety Act; 15 U.S.C. 2076(a))

Dated: September 23, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 82-26649 Filed 9-24-82; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Movement of Military Interchange Railroad Cars

The car reporting provides timely data necessary to manage the movement, distribution and utilization of the Defense Freight Railway Interchange Fleet (DFRIF).

Commercial rail shipping contractors: 37,500 responses; 3,125 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301; telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695-5111.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

September 22, 1982.

[FR Doc. 82-26497 Filed 9-24-82; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

A. Johnson & Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with A. Johnson & Company and provides an opportunity for public comment on the proposed Consent Order.

DATE: Comments by: October 27, 1982.

ADDRESS: Send comments to: Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania

FOR FURTHER INFORMATION CONTACT: Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102; (215) 597-2662.

Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On September 7, 1982, the ERA executed a proposed Consent Order with A. Johnson & Company ("Johnson") of New York, New York. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

Johnson, with its home office located in New York, New York, is a firm engaged in the production, refining and sale of crude oil and covered petroleum products, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212 during the period January 1, 1973 through January 28, 1981 ("the period covered by this Consent Order"). An audit conducted by the ERA included a review of Johnson's records relating to compliance with the Federal petroleum price and allocation regulations during the period January 1, 1973 through January 28, 1981 (the audit period). In its audit the ERA reviewed Johnson's pricing and allocation policies and procedures and the manner in which Johnson applied the Federal petroleum price and allocation regulations. Johnson has cooperated with this audit. Johnson has made its books and records available to the auditors of the DOE and the auditors have examined and reviewed a substantial volume of such materials. DOE believes that Johnson has maintained procedures reasonably adapted to achieve compliance with the federal petroleum price and allocation regulations. DOE has found no evidence that Johnson has committed any willful or intentional violations of the federal petroleum price and allocation regulations for the period covered by this Consent Order.

The ERA and Johnson disagree in several respects concerning Johnson's compliance with the Federal petroleum price and allocation regulations during the audit period. Notwithstanding the ERA's view as to the proper application of the regulations to Johnson's activities, Johnson maintains that it has correctly construed and applied the regulations. The ERA and Johnson each believes that its respective positions on the legal issues underlying their disagreements are meritorious. However, both parties desire to resolve the issues raised by the audit without resort to complex, lengthy and expensive compliance actions and therefore have entered into this Consent Order. The ERA believes that the Consent Order is in public interest because it provides a satisfactory resolution of disputed issues and an appropriate conclusion of the Johnson audit.

The Consent Order addresses all aspects of Johnson's compliance with the Federal petroleum price and allocation regulations during the audit period and, subject to its terms, resolves all issues concerning Johnson's compliance with the Federal petroleum price and allocation regulations during the audit period. In settlement of all disputes with the ERA concerning sales of covered petroleum products during the audit period, Johnson has agreed to issue credit memoranda in the amount of $2,050,000 to stated residual fuel end-users who purchased from Johnson's subsidiary C. H. Sprague & Son Co. during the period of October 1, 1973 through December 31, 1974. The Consent Order contains details on the computation of the amount, duration and terms and conditions of the credit memoranda. The Consent Order also provides details concerning records retention and procedures concerning enforcement of the provisions of the Consent Order.

The Consent Order does not constitute an admission by Johnson nor a finding by the ERA of any violation of the Federal petroleum price and allocation regulations. This notice merely summarizes the Consent Order, and neither limits nor modifies it in any way whatsoever. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

Upon full satisfaction of the terms and conditions of this Consent Order by Johnson, the DOE releases Johnson from any civil claims that the DOE may have arising out of the federal petroleum price and allocation regulations.

Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on A. Johnson Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on October 27, 1982. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures at 10 CFR 205.9(f).

Issued in Philadelphia on the 15th day of September, 1982.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, ERA.

[FR Doc. 82-26472 Filed 9-24-82: 8:45 a.m.]

BILLING CODE 6450-01-M

Santa Fe Energy Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Santa Fe Energy Company as a final order of the Department.

EFFECTIVE DATE: September 14, 1982.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, MO 64106, (Telephone) 816/374-2092.

SUPPLEMENTARY INFORMATION: On July 21, 1982, 47 FR 31600, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Santa Fe Energy Company on July 2, 1982 which would not become effective sooner than 30 days after publication of that notice. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The proposed Consent Order involves the resolution of certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations 10 CFR Parts 205, 210, 211, 212 in connection with Santa Fe's transactions involving crude oil sales during the period September 1, 1973 through January 28, 1981.

Pursuant to the proposed Consent Order, Santa Fe Energy Company will pay the sum of $800,000 which includes interest, within thirty (30) days of the effective date of the Consent Order for deposit in the U.S. Treasury as miscellaneous receipts. In addition, Santa Fe agrees to pay the sum of $8,000 in compromise of civil penalties.

Six comments were received. Each objected to the method of distributing the refund contemplated by the proposed Consent Order. Each suggested that the refunds be distributed to the various states.

Because the sales of crude oil were to refiners that were able to pass on the alleged overcharges to subsequent purchasers, ERA was unable to identify specific parties, if any, ultimately injured.

In this case ERA has determined that deposit in the U.S. Treasury is an appropriate remedy under these circumstances. Therefore, the porposed Consent Order was made final and effective without modification on September 14, 1982.

Issued in Kansas City, Missouri on the 14th day of September 1982.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 82-26474 Filed 9-24-82, 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Changes to DOE Reporting and Recordkeeping Requirements

Correction

In FR Doc 82-25757, appearing at page 41617, in the issue of Tuesday, September 21, 1982, make the following changes:

On page 41618, in the table, immediately following the entry for the "General Counsel", "GC-790R", insert the following table heading "DOE Information Collections Reinstated".

On page 41618, in the table, immediately following the entry for "Federal Energy Regulatory Commission", "FERC-539", insert the following table heading "DOE Information Collections Extended".

On page 41619, in the table, immediately following the entry for "Federal Energy Regulatory Commission", "ICC-P" insert the following table heading: "DOE Information Collections Discontinued or Allowed to Expire".

On page 41620, immediately following the table add the following:

[FR Doc. 82-25757 Filed 9-20-82 8:45 am]

BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 21, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ASHTOLA PRODUCTION CO				RECEIVED:	09/02/82	JA: PA			
8252453	13674	3711120010		102-2		EDWARD E BEENER GAS UNIT #1	NEW CENTERVILLE	150.0	
-BEREA OIL AND GAS CORPORATION				RECEIVED:	09/02/82	JA: PA			
8252456	14050	3703921500		102-2		M E GRIFFITH #1	WILDCAT	13.0	COLUMBIA GAS TRAN
8252459	14051	3703921500		107-TF		M E GRIFFITH #1	WILDCAT	13.0	COLUMBIA GAS TRAN
8252455	12074	3712330537		102-3		M J WOJTOWICZ #6	ELDRED	10.0	COLUMBIA GAS TRAN
8252458		3712330537		107-TF		M J WOJTOWICZ #6	ELDRED	10.0	COLUMBIA GAS TRAN
8252454	12065	3712330536		102-3		M J WOJTOWICZ UNIT #2	ELDRED	11.0	COLUMBIA GAS TRAN
8252457	12066	3712330536		107-TF		M J WOJTOWICZ UNIT #2	ELDRED	11.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	09/02/82	JA: PA			
8252463	14344	3703920524		108		KEBERT DEVELOPERS INC #33	GREENWOOD	11.6	TENNESSEE GAS PIP
-CARDINAL OIL CO				RECEIVED:	09/02/82	JA: PA			
8252465	14243	3703900000		107-TF		D TYLER #3 81-57 PA PER CRA-21489	CONNEAUT	0.0	COLUMBIA GAS TRAN
8252464	14242	3703900000		107-TF		G LINZ #1 81-68 PA PER CRA-21516	CONNEAUT	0.0	COLUMBIA GAS TRAN
8252466	14244	3703900000		107-TF		M BOYD #1 81-70 PA PER CRA-21483	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CUMBERLAND OIL CORP				RECEIVED:	09/02/82	JA: PA			
8252468	11728	3712330601		103		E HALE #1	SUGAR GROVE	20.0	NATIONAL FUEL GAS
8252470	11729	3712330601		107-TF		E HALE #1	SUGAR GROVE	20.0	NATIONAL FUEL GAS
8252467	11727	3712330127		103		MIDWEST CAMPERS #3	SUGAR GROVE	20.0	NATIONAL FUEL GAS
8252469	11726	3712330127		107-TF		MIDWEST CAMPERS #3	SUGAR GROVE	20.0	NATIONAL FUEL GAS
-DELTA DRILLING CO				RECEIVED:	09/02/82	JA: PA			
8252471	13324	3706300000		103		F OLIVER #1 IND 26593	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-DOC-NCC SERVICE CO				RECEIVED:	09/02/82	JA: PA			
8252472	14306	3712922025		103		LOUIS M BEHANNA 1551-2	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
-DORAN & ASSOCIATES INC				RECEIVED:	09/02/82	JA: PA			
8252473	14241	3712922002		103		JANICE FRYE #2 K-K-4	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL G
-EDWARD G KRIEBEL & JAMES E KRIEBEL				RECEIVED:	09/02/82	JA: PA			
8252488	13673	3706326829		103		CERANKOSKI #6	MARCHAND	21.5	
-ENVIROGAS INC				RECEIVED:	09/02/82	JA: PA			
8252475	13954	3704921584		107-TF		B LEWIS #2	LAKESHORE	18.0	NATIONAL FUEL GAS
8252474	13952	3704921696		107-TF		D BRIGGS #1	WILDCAT	18.0	COLUMBIA GAS TRAN
8252476	13955	3704921678		107-TF		J ZELLO #2	LAKESHORE	18.0	NATIONAL FUEL GAS
-G W AND JEAN F WALTERS				RECEIVED:	09/02/82	JA: PA			
8252898	14250	3703100000		108		BOND PINE TREE 3623	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252895	14247	3703100000		108		BUCKLICK 3199	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252897	14249	3703100000		108		CORNFIELD 3692	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252902	14254	3703100000		108		END OF LINE N 3609	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252906	14258	3703100000		108		END OF LINE S 3863	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252904	14256	3703100000		108		FIRST CREEK-FIDDLER 3576	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252899	14251	3703100000		108		INACCESSABLE 3591	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252896	14248	3703100000		108		MOHNEYS ROCKS 3437	RIMERSBURG	8.2	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252903	14255	3703100000		108		THIRD CREEK-FIDDLER 2008	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252901	14253	3703100000		108		TOP OF HILL 3637	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252900	14252	3703100000		108		TRAILER 3537	RIMERSBURG	8.2	NATIONAL FUEL GAS
8252905	14257	3703100000		108		WATER WELL 3691	RIMERSBURG	8.2	NATIONAL FUEL GAS
-IRA F. BITTINGER				RECEIVED:	09/02/82	JA: PA			
8252462	14305	3700520383		108		ANNA L HARKLEROAD #1	COWANSHANNOCK	1.5	APOLLO GAS CO
8252460	14303	3700520368		108		FREDA Z FARSTER #1	PLUMCREEK	3.0	APOLLO GAS CO
8252461	14304	3706302016		108		GEORGE STITELER #1	EAST MAHONING	2.5	APOLLO GAS CO
-J & J ENTERPRISES INC				RECEIVED:	09/02/82	JA: PA			
8252480	14334	3703321239		102-2		J L BROTHERS #4	BURNSIDE	0.0	CONSOLIDATED GAS
-J G M GAS & OIL INC				RECEIVED:	09/02/82	JA: PA			
8252479	10736	3712126758		103		S(C)HULTZ #1	DONALD S(C)HULTZ	18.0	NATIONAL FUEL GAS
8252478	10735	3712126759		103		S(C)HULTZ #2	DONALD S(C)HULTZ	14.4	NATIONAL FUEL GAS
-JENNIFER PETROLEUMS LTD				RECEIVED:	09/02/82	JA: PA			
8252477	9177	3712328070		107-TF		CHASE #1A	FREEHOLD	60.0	COLUMBIA GAS TRAN
-JOHN E SAUL CORP				RECEIVED:	09/02/82	JA: PA			
8252824	14052	3712921954		103		WOLOSHAN #1 (13.2A)	LOYALHANNA	0.0	PEOPLES NATURAL G
-KALTSAS OIL CO				RECEIVED:	09/02/82	JA: PA			
8252483	14309	3704900000		103		E MARY HENDERSON #2	NORTH EAST FIELD HORN	9.0	COLUMBIA GAS TRAN
8252485	14311	3704900000		107-TF		E MARY HENDERSON #2	NORTH EAST FIELD HORN	9.0	COLUMBIA GAS TRAN
8252481	14307	3704900000		103		JOSEPH R WROBLEWSKI #1	NORTH EAST FIELD HORN	9.0	COLUMBIA GAS TRAN
8252484	14310	3704900000		107-TF		JOSEPH R WROBLEWSKI #1	NORTH EAST FIELD HORN	9.0	COLUMBIA GAS TRAN
8252482	14308	3704900000		103		JOSEPH R WROBLEWSKI #3	NORTH EAST FIELD HORN	10.0	COLUMBIA GAS TRAN
8252486	14312	3704900000		107-TF		JOSEPH R WROBLEWSKI #3	NORTH EAST FIELD HORN	10.0	COLUMBIA GAS TRAN
-KAPPA S T JOINT VENTURE 81				RECEIVED:	09/02/82	JA: PA			
8252487	13956	3706522479		103		GARAFOLA #1	WINSLOW	25.0	NATIONAL FUEL GAS
-MONROE RESOURCES LTD				RECEIVED:	09/02/82	JA: PA			
8252489	13946	3712330552		102-2		MAX MANWARING #2	COLUMBUS	20.0	COLUMBIA GAS TRAN
8252907	13947	3712330552		107-TF		MAX MANWARING #2	COLUMBUS	20.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	09/02/82	JA: PA			
8252788	14286	3705300000		108		A & S WOLFE #4873	TIONESTA TOWNSHIP	0.5	GENERAL SYSTEM PU
8252817	14390	3705300000		108		A B KELLY #412	TIONESTA TOWNSHIP	0.9	GENERAL SYSTEM PU
8252607	14079	3706500000		108		A D BURKETT #3958	MCCALMONT TOWNSHIP	2.1	GENERAL SYSTEM PU
8252608	14080	3706500000		108		A D BURKETT #3966	MCCALMONT TOWNSHIP	1.7	GENERAL SYSTEM PU
8252705	14181	3706500000		108		A F HOFFMAN #4146	ROSE TOWNSHIP	0.3	GENERAL SYSTEM PU
8252815	14388	3705300000		108		A GILMORE #405	TIONESTA TOWNSHIP	1.3	GENERAL SYSTEM PU
8252796	14317	3703100000		108		A J PACKARD #763	ASHLAND TOWNSHIP	0.5	GENERAL SYSTEM PU
8252777	14275	3708300000		108		A LINDALOFF #266-P	HAMILTON TOWNSHIP	1.0	GENERAL SYSTEM PU
8252782	14280	3708300000		108		A LINDALOFF #941-P	HAMILTON TOWNSHIP	1.9	GENERAL SYSTEM PU
8252605	14077	3706500000		108		A M WADDING #3686	KNOX TOWNSHIP	1.3	GENERAL SYSTEM PU
8252598	14070	3706500000		108		A W LATHROP #1931	HEATH TOWNSHIP	1.9	GENERAL SYSTEM PU
8252506	13960	3706500000		108		ALBERT BAUR #665	HEATH TOWNSHIP	2.0	GENERAL SYSTEM PU
8252816	14389	3705300000		108		ALFRED GILMORE #411	TIONESTA TOWNSHIP	0.6	GENERAL SYSTEM PU
8252565	14027	3704700000		108		ALLEG NAT FOR #4323	JONES	1.7	GENERAL SYSTEM PU
8252566	14028	3704700000		108		ALLEG NAT FOR #4333	JONES	2.5	GENERAL SYSTEM PU
8252567	14029	3704700000		108		ALLEG NAT FOR #4348	JONES	1.9	GENERAL SYSTEM PU
8252568	14030	3704700000		108		ALLEG NAT FOR 4498	JONES	0.8	GENERAL SYSTEM PU
8252495	13974	3704720747		103		ALLEG NAT FOREST #X-214	HIGHLAND TOWNSHIP	19.0	GENERAL SYSTEM PU
8252673	14149	3705300000		108		ALLEG NAT'L FOREST #4771	JENKS TOWNSHIP	2.5	GENERAL SYSTEM PU
8252671	14147	3705300000		108		ALLEG NAT'L FOREST #4782	JENKS TOWNSHIP	0.8	GENERAL SYSTEM PU
8252669	14145	3705300000		108		ALLEG NAT'L FOREST #4808	JENKS TOWNSHIP	4.1	GENERAL SYSTEM PU
8252747	14224	3705300000		108		ALLEG NAT'L FOREST #4829	JENKS TOWNSHIP	1.4	GENERAL SYSTEM PU
8252672	14148	3705300000		108		ALLEG NAT'L FOREST #4876	JENKS TOWNSHIP	1.4	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252670	14146	3705300000		108		ALLEG NAT'L FOREST #4881	JENKS TOWNSHIP	0.9	GENERAL SYSTEM PU
8252617	14089	3704700000		108		ALLEG NATIONAL PARK #592	SPRING CREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
8252811	14384	3704700000		108		ALLEG NATL FOREST #SC227	SPRING CREEK TOWNSHIP	0.3	GENERAL SYSTEM PU
8252514	13975	3706500000		108		ALLEG RIVER MINING #5919	BEAVER TOWNSHIP	0.2	GENERAL SYSTEM PU
8252701	14177	3704700000		108		ALLEGHENY NATL FOR #4869	SPRING CREEK TOWNSHIP	0.2	GENERAL SYSTEM PU
8252529	13990	3706500000		108		B VERSTINE #3488	WARSAW TOWNSHIP	4.1	GENERAL SYSTEM PU
8252807	14329	3710500000		108		BALDWIN #6159	OSWAYO TOWNSHIP	0.7	GENERAL SYSTEM PU
8252590	14062	3704700000		108		BALETT & CROASMAN #4735	MILLSTONE TOWNSHIP	0.1	GENERAL SYSTEM PU
8252679	14155	3708300000		108		BINGHAM ESTATE #1003	KEATING TOWNSHIP	0.5	GENERAL SYSTEM PU
8252678	14154	3708300000		108		BINGHAM ESTATE #1004	KEATING TOWNSHIP	1.2	GENERAL SYSTEM PU
8252742	14219	3708300000		108		BINGHAM ESTATE #1005	KEATING TOWNSHIP	0.8	GENERAL SYSTEM PU
8252741	14218	3708300000		108		BINGHAM ESTATE #1008	KEATING TOWNSHIP	1.0	GENERAL SYSTEM PU
8252740	14217	3708300000		108		BINGHAM ESTATE #1015	KEATING TOWNSHIP	0.8	GENERAL SYSTEM PU
8252739	14216	3708300000		108		BINGHAM ESTATE #1019	KEATING TOWNSHIP	1.4	GENERAL SYSTEM PU
8252738	14215	3708300000		108		BINGHAM ESTATE #1026	KEATING TOWNSHIP	0.9	GENERAL SYSTEM PU
8252737	14214	3708300000		108		BINGHAM ESTATE #1029	KEATING TOWNSHIP	1.6	GENERAL SYSTEM PU
8252736	14213	3708300000		108		BINGHAM ESTATE #1031	KEATING TOWNSHIP	1.1	GENERAL SYSTEM PU
8252722	14198	3708300000		108		BINGHAM ESTATE #1038	KEATING TOWNSHIP	0.9	GENERAL SYSTEM PU
8252723	14199	3708300000		108		BINGHAM ESTATE #2012	KEATING TOWNSHIP	0.4	GENERAL SYSTEM PU
8252735	14212	3708300000		108		BINGHAM ESTATE #2691	KEATING TOWNSHIP	0.5	GENERAL SYSTEM PU
8252734	14211	3708300000		108		BINGHAM ESTATE #2994	KEATING TOWNSHIP	0.9	GENERAL SYSTEM PU
8252785	14283	3706500000		108		BODDORF FARM #5957	BEAVER TOWNSHIP	0.4	GENERAL SYSTEM PU
8252534	13995	3706500000		108		BOYER #2 #5709	WARSAW TOWNSHIP	2.0	GENERAL SYSTEM PU
8252721	14197	3708300000		108		BUFFALO COAL CO FARM #1177	SERGEANT TOWNSHIP	0.5	GENERAL SYSTEM PU
8252720	14196	3708300000		108		BUFFALO COAL CO FARM #1180	SERGEANT TOWNSHIP	0.5	GENERAL SYSTEM PU
8252727	14203	3708300000		108		BUTTERFIELD #1400	NORWICH TOWNSHIP	0.9	GENERAL SYSTEM PU
8252728	14204	3708300000		108		BUTTERFIELD #1424	NORWICH TOWNSHIP	2.2	GENERAL SYSTEM PU
8252729	14205	3708300000		108		BUTTERFIELD #1432	NORWICH TOWNSHIP	1.6	GENERAL SYSTEM PU
8252730	14206	3708300000		108		BUTTERFIELD #1433	NORWICH TOWNSHIP	0.8	GENERAL SYSTEM PU
8252771	14269	3708300000		108		BUTTERFIELD #1456	SERGEANT TOWNSHIP	3.2	GENERAL SYSTEM PU
8252772	14270	3708300000		108		BUTTERFIELD LANDS #1465	SERGEANT TOWNSHIP	3.5	GENERAL SYSTEM PU
8252692	14168	3708300000		108		BUTTERFIELD LANDS #4420	NORWICH TOWNSHIP	1.5	GENERAL SYSTEM PU
8252693	14169	3708300000		108		BUTTERFIELD LANDS #4464	NORWICH TOWNSHIP	1.5	GENERAL SYSTEM PU
8252732	14208	3708300000		108		BUTTERFIELD TRACT #1503	NORWICH TOWNSHIP	2.4	GENERAL SYSTEM PU
8252733	14209	3708300000		108		BUTTERFIELD TRACT #1504	NORWICH TOWNSHIP	1.4	GENERAL SYSTEM PU
8252755	14232	3706500000		108		BUZZARD & AGNEW #3516	HEATH TOWNSHIP	0.8	GENERAL SYSTEM PU
8252698	14174	3704700000		108		C H MCCAULEY JR #5061	RIDGWAY TOWNSHIP	1.8	GENERAL SYSTEM PU
8252773	14271	3703100000		108		C J KERR #3359	LIMESTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
8252677	14153	3706500000		108		CABLE #5922	PINECREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8252784	14282	3706500000		108		CALLEN #745	HEATH TOWNSHIP	2.6	GENERAL SYSTEM PU
8252748	14225	3706500000		108		CALVIN RODGERS #393	HEATH TOWNSHIP	1.4	GENERAL SYSTEM PU
8252648	14120	3706500000		108		CALVIN RODGERS #4487	HEATH TOWNSHIP	2.2	GENERAL SYSTEM PU
8252750	14227	3706500000		108		CALVIN RODGERS #571	HEATH TOWNSHIP	0.9	GENERAL SYSTEM PU
8252539	14000	3703100000		108		CAROLINE SHARROW #3530	FARMINGTON TOWNSHIP	1.2	GENERAL SYSTEM PU
8252688	14164	3710500000		108		CHARLES DUKE #6066	OSWAYO TOWNSHIP	1.0	GENERAL SYSTEM PU
8252806	14328	3710500000		108		CHARLES M WYVELL #6155	OSWAYO TOWNSHIP	0.6	GENERAL SYSTEM PU
8252774	14272	3704700000		108		COMMIS OF ELK CO #SC 329	JONES TOWNSHIP	1.6	GENERAL SYSTEM PU
8252775	14273	3704700000		108		COMMIS OF ELK CO #SC 331	JONES TOWNSHIP	3.5	GENERAL SYSTEM PU
8252776	14274	3704700000		108		COMMIS OF ELK CO #SC 336	JONES TOWNSHIP	1.0	GENERAL SYSTEM PU
8252540	14001	3703100000		108		D E MYERS #3883	MILLCREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8252660	14132	3706500000		108		D K BARNETT #5781	PINECREEK TOWNSHIP	1.4	GENERAL SYSTEM PU
8252580	14042	3706500000		108		DAVID HENDERSON #555	ELDRED TOWNSHIP	2.0	GENERAL SYSTEM PU
8252766	14264	3706500000		108		DAVID M BONNER #3033	ROSE TOWNSHIP	1.6	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252586	14058	3704700000		108		DAVID SCHRUM #2709	MILLSTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
8252592	14064	3704700000		108		DUHRING & WRIGHT #4218	SPRING CREEK TOWNSHIP	1.2	GENERAL SYSTEM PU
8252769	14267	3706500000		108		E C BLOSE #4889	ROSE TOWNSHIP	1.5	GENERAL SYSTEM PU
8252662	14134	3704900000		108		E C MILLER #1597 P	ELK CREEK TOWNSHIP	2.8	GENERAL SYSTEM PU
8252664	14136	3704900000		108		E C MILLER #1608-P	ELK CREEK TOWNSHIP	0.3	GENERAL SYSTEM PU
8252731	14207	3708300000		108		EDWARD A PRICE #1463	NORWICH TOWNSHIP	1.3	GENERAL SYSTEM PU
8252762	14239	3708300000		108		EDWARD A PRICE #1576	NORWICH TOWNSHIP	1.0	GENERAL SYSTEM PU
8252570	14032	3704700000		108		ELIZ J PALMER #1373	HIGHLAND TOWNSHIP	3.3	GENERAL SYSTEM PU
8252789	14287	3712100000		108		ERIES TRACT #385	PINEGROVE TOWNSHIP	0.6	GENERAL SYSTEM PU
8252800	14321	3712100000		108		FINLETTER & BAUM #3053	CRANBERRY TOWNSHIP	0.7	GENERAL SYSTEM PU
8252521	13982	3706500000		108		FRANK TRUMAN #3479	HEATH TOWNSHIP	3.9	GENERAL SYSTEM PU
8252532	13993	3706500000		108		FRAZIER BROS #258	HEATH TOWNSHIP	6.1	GENERAL SYSTEM PU
8252533	13994	3706500000		108		FRAZIER BROTHERS #394	HEATH TOWNSHIP	5.8	GENERAL SYSTEM PU
8252511	13965	3706500000		108		FRAZIER LANDS #3149	HEATH TOWNSHIP	1.2	GENERAL SYSTEM PU
8252690	14166	3708300000		108		FRED D RIFLE #3912	NORWICH TOWNSHIP	1.4	GENERAL SYSTEM PU
8252691	14167	3708300000		108		FRED D RIFLE #3913	NORWICH TOWNSHIP	0.8	GENERAL SYSTEM PU
8252616	14088	3704700000		108		G BROCIUS #579	SPRING CREEK TOWNSHIP	1.2	GENERAL SYSTEM PU
8252491	13969	3704920949		103		G H MCGUIRE 6225	GREENFIELD	0.0	GENERAL SYSTEM PU
8252756	14233	3706500000		108		G W DUNKLE #3513	HEATH TOWNSHIP	2.1	GENERAL SYSTEM PU
8252754	14231	3706500000		108		G W DUNKLE #3538	HEATH TOWNSHIP	3.8	GENERAL SYSTEM PU
8252582	14054	3704700000		108		GATZ & LOEBMAN #1954	MILLSTONE TOWNSHIP	1.2	GENERAL SYSTEM PU
8252581	14053	3704700000		108		GATZ & LOEBMAN #1956	MILLSTONE TOWNSHIP	0.9	GENERAL SYSTEM PU
8252658	14130	3704700000		108		GATZ & LOEBMAN #1983	MILLSTONE TOWNSHIP	2.0	GENERAL SYSTEM PU
8252657	14129	3704700000		108		GATZ & LOEBMAN #2018	MILLSTONE TOWNSHIP	1.6	GENERAL SYSTEM PU
8252588	14060	3704700000		108		GATZ & LOEBMAN #4461	MILLSTONE TOWNSHIP	0.4	GENERAL SYSTEM PU
8252653	14125	3704700000		108		GATZ & LOEBMAN #838	MILLSTONE TOWNSHIP	1.4	GENERAL SYSTEM PU
8252652	14124	3704700000		108		GATZ & LOEBMAN #845	MILLSTONE TOWNSHIP	0.4	GENERAL SYSTEM PU
8252610	14082	3706500000		108		GEO & KATH HYDE #3152	KNOX TOWNSHIP	1.3	GENERAL SYSTEM PU
8252542	14004	3704700000		108		GEORGE WOELFEL #SC73	BENZINGER TOWNSHIP	6.6	GENERAL SYSTEM PU
8252551	14013	3706500000		108		GILBERT #5 #5661	WARSAW TOWNSHIP	6.6	GENERAL SYSTEM PU
8252717	14193	3706500000		108		GILBERT #5727	WARSAW TOWNSHIP	1.9	GENERAL SYSTEM PU
8252535	13996	3706500000		108		GILBERT #5728	WARSAW TOWNSHIP	1.7	GENERAL SYSTEM PU
8252589	14061	3704700000		108		GODFREY PARRETT #4712	MILLSTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
8252643	14115	3704700000		108		GRANT & HORTON #1019-P	RIDGWAY TOWNSHIP	0.6	GENERAL SYSTEM PU
8252642	14114	3704700000		108		GRANT & HORTON #1033-P	RIDGWAY TOWNSHIP	0.8	GENERAL SYSTEM PU
8252641	14113	3704700000		108		GRANT & HORTON #1044-P	RIDGWAY TOWNSHIP	0.7	GENERAL SYSTEM PU
8252647	14119	3708300000		108		GRANT & HORTON #1462-P	HAMILTON TOWNSHIP	0.6	GENERAL SYSTEM PU
8252646	14118	3704700000		108		GRANT & HORTON #774-P	RIDGWAY TOWNSHIP	1.5	GENERAL SYSTEM PU
8252645	14117	3704700000		108		GRANT & HORTON #789-P	RIDGWAY TOWNSHIP	0.5	GENERAL SYSTEM PU
8252760	14237	3706500000		108		H BUGHMAN #3662	POLK TOWNSHIP	1.4	GENERAL SYSTEM PU
8252764	14262	3703100000		108		H C & VERONICA AARON #3352	LIMESTONE TOWNSHIP	1.4	GENERAL SYSTEM PU
8252619	14091	3704700000		108		H H HALLOCK #3755	SPRING CREEK TOWNSHIP	2.6	GENERAL SYSTEM PU
8252620	14092	3704700000		108		H H HALLOCK #3777	SPRING CREEK TOWNSHIP	1.7	GENERAL SYSTEM PU
8252591	14063	3704700000		108		H H HALLOCK #4201	SPRING CREEK TOWNSHIP	0.4	GENERAL SYSTEM PU
8252513	13967	3706500000		108		H H HALLOCK FARM #3155	HEATH TOWNSHIP	4.6	GENERAL SYSTEM PU
8252612	14084	3704700000		108		H J CLYDE #4799	MILLSTONE TOWNSHIP	0.3	GENERAL SYSTEM PU
8252611	14083	3704700000		108		HARRY BARR #4747	MILLSTONE TOWNSHIP	1.8	GENERAL SYSTEM PU
8252544	14006	3704700000		108		HAUL & KAUL #SC219	BENZINGER TOWNSHIP	5.1	GENERAL SYSTEM PU
8252614	14086	3704700000		108		HEETER #5702	MILLSTONE TOWNSHIP	0.9	GENERAL SYSTEM PU
8252650	14122	3704700000		108		HENRY TRUMAN #728	MILLSTONE TOWNSHIP	0.9	GENERAL SYSTEM PU
8252768	14266	3706500000		108		HIRAM ALLSHOUSE #3594	ROSE TOWNSHIP	4.0	GENERAL SYSTEM PU
8252661	14133	3706500000		108		HUMPHREY #5890	PINECREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8252718	14194	3706500000		108		HUMPHREY #5898	WARSAW TOWNSHIP	1.4	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252663	14135	3704900000		108		J A ROOT #1601-P	ELK CREEK TOWNSHIP	1.6	GENERAL SYSTEM PU
8252781	14279	3708300000		108		J A SCHOFIELD #598-P	HAMILTON TOWNSHIP	0.5	GENERAL SYSTEM PU
8252795	14316	3703100000		108		J B & L R KEEFER FARM #2939	ELK TOWNSHIP	0.8	GENERAL SYSTEM PU
8252601	14073	3706500000		108		J B SMITH #4894	OLIVER TOWNSHIP	3.3	GENERAL SYSTEM PU
8252791	14290	3704700000		108		J DAVIS #4131	HIGHLAND TOWNSHIP	0.9	GENERAL SYSTEM PU
8252792	14313	3712100000		108		J E KEVERLINE #4599	PINEGROVE TOWNSHIP	0.5	GENERAL SYSTEM PU
8252763	14261	3703100000		108		J E REAGHART #3269	CLARION TOWNSHIP	0.9	GENERAL SYSTEM PU
8252666	14138	3704920208		108		J G CHASE #1613-P	CONNEAUT TOWNSHIP	1.3	GENERAL SYSTEM PU
8252810	14332	3712100000		108		J H OSMER #4658	PINEGROVE TOWNSHIP	1.8	GENERAL SYSTEM PU
8252753	14230	3706500000		108		J HARRIGER #2100	HEATH TOWNSHIP	1.6	GENERAL SYSTEM PU
8252809	14331	3712100000		108		J J & M M FISHER #2967	PINEGROVE TOWNSHIP	0.4	GENERAL SYSTEM PU
8252655	14127	3704700000		108		JAMES G BARR #823	MILLSTONE TOWNSHIP	1.9	GENERAL SYSTEM PU
8252631	14103	3706500000		108		JAS SMITH #3631	POLK TOWNSHIP	1.1	GENERAL SYSTEM PU
8252767	14265	3706500000		108		JE&ESTHER J THRUSH #3177	ROSE TOWNSHIP	1.2	GENERAL SYSTEM PU
8252585	14057	3704700000		108		JEROME POWELL #2865	MILLSTONE TOWNSHIP	1.0	GENERAL SYSTEM PU
8252584	14056	3704700000		108		JEROME POWELL #2923	MILLSTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
8252618	14090	3704700000		108		JEROME POWELL #2972	SPRING CREEK TOWNSHIP	0.3	GENERAL SYSTEM PU
8252583	14055	3704700000		108		JEROME POWELL #3132	MILLSTONE TOWNSHIP	0.8	GENERAL SYSTEM PU
8252615	14087	3704700000		108		JEROME POWELL #474	SPRING CREEK TOWNSHIP	0.4	GENERAL SYSTEM PU
8252613	14085	3704700000		108		JEROME POWELL #4807	MILLSTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
8252814	14387	3704700000		108		JERRY CRARY #1085-P	SPRING CREEK TOWNSHIP	0.3	GENERAL SYSTEM PU
8252801	14322	3712300000		108		JERRY CRARY #1202-P	SHEFFIELD TOWNSHIP	1.2	GENERAL SYSTEM PU
8252813	14386	3704700000		108		JERRY CRARY #1241-P	SPRING CREEK TOWNSHIP	1.2	GENERAL SYSTEM PU
8252812	14385	3704700000		108		JERRY CRARY #1251-P	SPRING CREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8252787	14285	3704700000		108		JERRY CRARY #178-P	HIGHLAND TOWNSHIP	2.4	GENERAL SYSTEM PU
8252556	14018	3706500000		108		JOHN HARRIGER #3514	HEATH TOWNSHIP	4.1	GENERAL SYSTEM PU
8252557	14019	3706500000		108		JOHN HARRIGER FARM #3517	HEATH TOWNSHIP	1.8	GENERAL SYSTEM PU
8252558	14020	3706500000		108		JOHN HARRIGER FARM #3518	HEATH TOWNSHIP	7.1	GENERAL SYSTEM PU
8252697	14173	3704700000		108		JOHN MCCLELLAN #SC380	HORTON TOWNSHIP	3.9	GENERAL SYSTEM PU
8252778	14276	3708300000		108		JOS A SCHOFIELD #349-P	HAMILTON TOWNSHIP	0.7	GENERAL SYSTEM PU
8252499	13496	3708300000		108		JOS A SCHOFIELD #923-P	HAMILTON TOWNSHIP	0.8	GENERAL SYSTEM PU
8252602	14074	3706500000		108		JOS GEIST #4896	OLIVER TOWNSHIP	1.0	GENERAL SYSTEM PU
8252490	13968	3708520186		103		JOSEPH EAGLES #6224	WORTH TOWNSHIP	69.0	GENERAL SYSTEM PU
8252794	14315	3700500000		108		JOSEPH MELLISH #4463	SUGAR CREEK TOWNSHIP	1.4	GENERAL SYSTEM PU
8252743	14220	3712100000		108		KASPER KUGLER #4402	CRANBERRY TOWNSHIP	0.7	GENERAL SYSTEM PU
8252550	14012	3706500000		108		KIEHL #5697	ELDRED TOWNSHIP	0.5	GENERAL SYSTEM PU
8252758	14235	3706500000		108		L C WYNCOOP #4719	HEATH TOWNSHIP	0.6	GENERAL SYSTEM PU
8252509	13963	3706500000		108		L C WYNKOOP FARM #2917	HEATH TOWNSHIP	4.4	GENERAL SYSTEM PU
8252554	14016	3706500000		108		L C WYNKOOP FARM #3498	HEATH TOWNSHIP	3.5	GENERAL SYSTEM PU
8252538	13999	3706500000		108		L C WYNKOOP FARM #3503	HEATH TOWNSHIP	4.7	GENERAL SYSTEM PU
8252555	14017	3706500000		108		L C WYNKOOP FARM #3507	HEATH TOWNSHIP	5.6	GENERAL SYSTEM PU
8252779	14277	3708300000		108		L D WETMORE #534-P	HAMILTON TOWNSHIP	0.6	GENERAL SYSTEM PU
8252780	14278	3708300000		108		L D WETMORE #537-P	HAMILTON TOWNSHIP	1.7	GENERAL SYSTEM PU
8252501	13498	3708300000		108		L D WETMORE #6-P	HAMILTON TOWNSHIP	1.0	GENERAL SYSTEM PU
8252502	13499	3708300000		108		L D WETMORE #7-P	HAMILTON TOWNSHIP	0.5	GENERAL SYSTEM PU
8252640	14112	3706500000		108		L WALTERS #3831	POLK TOWNSHIP	0.8	GENERAL SYSTEM PU
8252519	13980	3706500000		108		LEE B HUMPHREY #5887	SNYDER TOWNSHIP	0.3	GENERAL SYSTEM PU
8252635	14107	3706500000		108		LEONARD WALTERS #3551	POLK TOWNSHIP	2.4	GENERAL SYSTEM PU
8252634	14106	3706500000		108		LEONARD WALTERS #3574	POLK TOWNSHIP	1.8	GENERAL SYSTEM PU
8252599	14071	3706500000		108		LEONARD WALTERS #3808	POLK TOWNSHIP	1.2	GENERAL SYSTEM PU
8252632	14104	3706500000		108		LEONARD WALTERS FARM #3595	POLK TOWNSHIP	2.2	GENERAL SYSTEM PU
8252633	14105	3706500000		108		LEONARD WALTERS SR FARM #3583	POLK TOWNSHIP	1.5	GENERAL SYSTEM PU
8252536	13997	3706500000		108		LEVI THRUSH #4372	WARSAW TOWNSHIP	1.8	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252531	13992	3712100000		108		LLOYD OIL CO FARM #612	ROCKLAND TOWNSHIP	1.0	GENERAL SYSTEM PU
8252503	13957	3703100000		108		LLOYD OIL CO FARM #647	ASHLAND TOWNSHIP	0.3	GENERAL SYSTEM PU
8252790	14288	3712100000		108		LLOYD OIL CO FARM #764	ROCKLAND TOWNSHIP	0.7	GENERAL SYSTEM PU
8252508	13962	3706500000		108		M C TILLOTSON #2881	HEATH TOWNSHIP	4.1	GENERAL SYSTEM PU
8252744	14221	3712100000		108		M J DELEKER #4374	CRANBERRY TOWNSHIP	1.2	GENERAL SYSTEM PU
8252497	13445	3712100000		108		M MATHEWS #4158	PINEGROVE TOWNSHIP	0.7	GENERAL SYSTEM PU
8252504	13958	3703100000		108		M RULOFSON #2738	MILLCREEK TOWNSHIP	0.6	GENERAL SYSTEM PU
8252525	13986	3706500000		108		MARTHA & H WINGARD #3066	WARSAW TOWNSHIP	2.8	GENERAL SYSTEM PU
8252505	13959	3703100000		108		MARVIN RULOFSON #3067	MILLCREEK TOWNSHIP	1.0	GENERAL SYSTEM PU
8252548	14010	3706500000		108		MATHIAS MELZER #563	HEATH TOWNSHIP	7.1	GENERAL SYSTEM PU
8252745	14222	3712100000		108		MAY MONG ET CON #4010	ROCKLAND TOWNSHIP	0.5	GENERAL SYSTEM PU
8252516	13977	3704720410		108		MCKEAN CHEMICAL CO #1521	JONES TOWNSHIP	1.0	GENERAL SYSTEM PU
8252563	14025	3704700000		108		MCKEAN CHEMICAL CO FARM #4251	JONES TOWNSHIP	1.6	GENERAL SYSTEM PU
8252644	14116	3704700000		108		MCKNIGHT FARM #1012-P	HIGHLAND TOWNSHIP	0.5	GENERAL SYSTEM PU
8252659	14131	3706500000		108		MCKNIGHT&TEMPLETON #5771	PINECREEK TOWNSHIP	1.0	GENERAL SYSTEM PU
8252543	14005	3704700000		108		MICHAEL WOLF #SC74	BENZINGER TOWNSHIP	4.7	GENERAL SYSTEM PU
8252668	14140	3706500000		108		MILES WONDERLING #4893	OLIVER TOWNSHIP	1.5	GENERAL SYSTEM PU
8252783	14281	3708300000		108		OSCAR CAROLSON #1364-P	HAMILTON TOWNSHIP	0.3	GENERAL SYSTEM PU
8252726	14202	3708300000		108		OSGOOD & BACKER #2611	KEATING TOWNSHIP	0.6	GENERAL SYSTEM PU
8252675	14151	3706500000		108		P D BULLERS #5823	WARSAW TOWNSHIP	0.9	GENERAL SYSTEM PU
8252711	14187	3708300000		108		P FORD #1010	KEATING TOWNSHIP	0.3	GENERAL SYSTEM PU
8252710	14186	3708300000		108		P FORD #999	KEATING TOWNSHIP	0.5	GENERAL SYSTEM PU
8252625	14097	3706500000		108		PA STATE FOREST #4281	POLK TOWNSHIP	0.3	GENERAL SYSTEM PU
8252621	14093	3706500000		108		PA STATE FOREST #4404	POLK TOWNSHIP	1.5	GENERAL SYSTEM PU
8252630	14102	3706500000		108		PA STATE FOREST #4875	POLK TOWNSHIP	2.1	GENERAL SYSTEM PU
8252494	13973	3706522349		103		PA STATE FOREST #6236	HEATH TOWNSHIP	0.0	GENERAL SYSTEM PU
8252493	13972	3706522348		103		PA STATE FOREST #6237	HEATH TOWNSHIP	0.1	GENERAL SYSTEM PU
8252518	13979	3704720414		108		PA STATE GAME LAND #SC253	SPRING CREEK TOWNSHIP	0.6	GENERAL SYSTEM PU
8252593	14065	3704700000		108		PA STATE GAME LANDS #4239	SPRING CREEK TOWNSHIP	1.3	GENERAL SYSTEM PU
8252594	14066	3704700000		108		PA STATE GAME LANDS #4248	SPRING CREEK TOWNSHIP	2.1	GENERAL SYSTEM PU
8252595	14067	3704700000		108		PA STATE GAME LANDS #4260	SPRING CREEK TOWNSHIP	2.8	GENERAL SYSTEM PU
8252624	14096	3706500000		108		PA STATE GAME LANDS #4375	POLK TOWNSHIP	1.7	GENERAL SYSTEM PU
8252622	14094	3706500000		108		PA STATE GAME LANDS #4397	POLK TOWNSHIP	1.7	GENERAL SYSTEM PU
8252639	14111	3706500000		108		PA STATE GAME LANDS #4427	POLK TOWNSHIP	1.1	GENERAL SYSTEM PU
8252629	14101	3706500000		108		PA STATE GAME LANDS #4499	POLK TOWNSHIP	2.7	GENERAL SYSTEM PU
8252628	14100	3706500000		108		PA STATE GAME LANDS #4513	POLK TOWNSHIP	1.4	GENERAL SYSTEM PU
8252627	14099	3706500000		108		PA STATE GAME LANDS #4540	POLK TOWNSHIP	3.9	GENERAL SYSTEM PU
8252757	14234	3706500000		108		PA STATE GAME LANDS #4648	HEATH TOWNSHIP	4.6	GENERAL SYSTEM PU
8252700	14176	3704700000		108		PA STATE GAME LANDS #4736	SPRING CREEK TOWNSHIP	3.6	GENERAL SYSTEM PU
8252596	14068	3704700000		108		PA STATE GAME LANDS #4744	SPRING CREEK TOWNSHIP	2.6	GENERAL SYSTEM PU
8252597	14069	3704700000		108		PA STATE GAME LANDS #4775	SPRING CREEK	3.2	GENERAL SYSTEM PU
8252704	14180	3704700000		108		PA STATE GAME LANDS #5883	SPRING CREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8252549	14011	3703100000		108		PA STATE GAME LANDS#4813	MILLCREEK TOWNSHIP	0.3	GENERAL SYSTEM PU
8252636	14108	3706500000		108		PAINE & WALTERS #4249	POLK TOWNSHIP	2.4	GENERAL SYSTEM PU
8252626	14098	3706500000		108		PAINE & WALTERS #4261	POLK TOWNSHIP	1.2	GENERAL SYSTEM PU
8252746	14223	3712100000		108		PARKHURST & BUCHANAN #3706	ROCKLAND TOWNSHIP	0.8	GENERAL SYSTEM PU
8252552	14014	3706500000		108		PEARSALL #2 #5707	WARSAW TOWNSHIP	1.6	GENERAL SYSTEM PU
8252517	13978	3704720447		108		POTTS LANDS #1357	JONES TOWNSHIP	2.4	GENERAL SYSTEM PU
8252578	14040	3704700000		108		POTTS TRACT #1470	JONES TOWNSHIP	3.5	GENERAL SYSTEM PU
8252579	14041	3704700000		108		POTTS TRACT #1473	JONES TOWNSHIP	0.7	GENERAL SYSTEM PU
8252623	14095	3706500000		108		R BUGHMAN #4376	POLK TOWNSHIP	1.3	GENERAL SYSTEM PU
8252793	14314	3700500000		108		R H MCCLATCHEY #4391	WASHINGTON TOWNSHIP	0.8	GENERAL SYSTEM PU
8252724	14200	3708300000		108		R OSGOOD #2042	KEATING TOWNSHIP	0.6	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252665	14137	3704920162		108		R TAYLOR #1611-P	CONNEAUT TOWNSHIP	0.8	GENERAL SYSTEM PU
8252560	14022	3704700000		108		RALPH TRACT FARM #1524	JONES TOWNSHIP	1.2	GENERAL SYSTEM PU
8252682	14158	3710500000		108		RICHARD BALDWIN #6004	OSWAYO TOWNSHIP	0.2	GENERAL SYSTEM PU
8252802	14324	3710500000		108		RICHARD BALDWIN #6082	OSWAYO TOWNSHIP	0.6	GENERAL SYSTEM PU
8252804	14326	3710500000		108		RICHARD BALDWIN #6152	OSWAYO TOWNSHIP	0.5	GENERAL SYSTEM PU
8252805	14327	3710500000		108		RICHARD BALDWIN #6153	OSWAYO TOWNSHIP	0.7	GENERAL SYSTEM PU
8252492	13970	3704920950		103		RICHARD NYGAARD 6226	NORTH EAST	36.0	GENERAL SYSTEM PU
8252694	14170	3704700000		108		RIDGWAY LIGHT & HEAT FARM #5007	SPRING CREEK TOWNSHIP	1.3	GENERAL SYSTEM PU
8252752	14229	3704700000		108		RIDGWAY LIGHT & HEAT FARM #5046	SPRING CREEK TOWNSHIP	1.3	GENERAL SYSTEM PU
8252751	14228	3704700000		108		RIDGWAY LIGHT & HEAT FARM #5050	SPRING CREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8252703	14179	3704700000		108		RIDGWAY LIGHT & HEAT FARM #5051	SPRING CREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8252702	14178	3704700000		108		RIDGWAY LIGHT & HEAT FARM #5052	SPRING CREEK TOWNSHIP	1.8	GENERAL SYSTEM PU
8252699	14175	3704700000		108		RIDGWAY LIGHT & HEAT FARM #5053	SPRING CREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8252725	14201	3708300000		108		ROBERT OSGOOD FARM #2082	KEATING TOWNSHIP	0.7	GENERAL SYSTEM PU
8252638	14110	3706500000		108		RUBEN BAUGHMAN #4431	POLK TOWNSHIP	3.1	GENERAL SYSTEM PU
8252637	14109	3706500000		108		RUBEN BAUGHMAN #4451	POLK TOWNSHIP	2.0	GENERAL SYSTEM PU
8252604	14076	3706500000		108		S B DELP #3552	KNOX TOWNSHIP	1.7	GENERAL SYSTEM PU
8252609	14081	3706500000		108		S L RHOADES #3073	KNOX TOWNSHIP	1.9	GENERAL SYSTEM PU
8252496	13443	3712100000		108		S P MCCALMONT #4028	PINEGROVE TOWNSHIP	1.5	GENERAL SYSTEM PU
8252523	13984	3706500000		108		S P MOORE #2940	WARSAW TOWNSHIP	3.2	GENERAL SYSTEM PU
8252797	14318	3703100000		108		SARAH E TROUTNER #768	ASHLAND TOWNSHIP	0.9	GENERAL SYSTEM PU
8252786	14284	3706500000		108		SARILDA & F BRADEN #4341	BARNETT TOWNSHIP	1.2	GENERAL SYSTEM PU
8252520	13981	3706522197		108		SIMPSON LAND CO #4507	ELDRED TOWNSHIP	0.9	GENERAL SYSTEM PU
8252651	14123	3704700000		108		STAIB & CO ID 601	MILLSTONE TOWNSHIP	0.3	GENERAL SYSTEM PU
8252587	14059	3704700000		108		STAIB & CO #2124	MILLSTONE TOWNSHIP	1.0	GENERAL SYSTEM PU
8252649	14121	3704700000		108		STAIB & CO #741	MILLSTONE TOWNSHIP	0.8	GENERAL SYSTEM PU
8252656	14128	3704700000		108		STAIB & CO #761	MILLSTONE TOWNSHIP	0.9	GENERAL SYSTEM PU
8252654	14126	3704700000		108		STAIB & CO #825	MILLSTONE TOWNSHIP	1.6	GENERAL SYSTEM PU
8252761	14238	3706500000		108		STATE GAME LANDS #5877	SNYDER TOWNSHIP	1.3	GENERAL SYSTEM PU
8252600	14072	3706500000		108		STATE GAME LANDS #5893	SNYDER TOWNSHIP	2.3	GENERAL SYSTEM PU
8252667	14139	3706500000		108		STIGER #4156	MCCALMONT TOWNSHIP	4.0	GENERAL SYSTEM PU
8252719	14195	3706500000		108		SULGER #5845	WARSAW TOWNSHIP	1.2	GENERAL SYSTEM PU
8252712	14188	3706500000		108		SULGER #5865	WARSAW TOWNSHIP	1.8	GENERAL SYSTEM PU
8252674	14150	3706500000		108		SULGER #5912	WARSAW TOWNSHIP	1.8	GENERAL SYSTEM PU
8252676	14152	3706500000		108		SULGER #5931	PINECREEK TOWNSHIP	0.7	GENERAL SYSTEM PU
8252696	14172	3706500000		108		SULGER #5938	WARSAW TOWNSHIP	1.6	GENERAL SYSTEM PU
8252713	14189	3706500000		108		SULGER #5968	WARSAW TOWNSHIP	2.6	GENERAL SYSTEM PU
8252545	14007	3703300000		108		SURE SHOT LAND & GUN #SC378	UNION TOWNSHIP	9.7	GENERAL SYSTEM PU
8252546	14008	3703300000		108		SURE SHOT LAND & GUN #SC379	UNION TOWNSHIP	8.0	GENERAL SYSTEM PU
8252547	14009	3703300000		108		SURE SHOT LAND & GUN #SC381	UNION TOWNSHIP	3.5	GENERAL SYSTEM PU
8252541	14003	3703100000		108		T N BARNSDALL #5608	FARMINGTON TOWNSHIP	1.9	GENERAL SYSTEM PU
8252716	14192	3706500000		108		THERON SATTERLEE #5757	WARSAW TOWNSHIP	1.2	GENERAL SYSTEM PU
8252770	14268	3706500000		108		THOMAS T MILLEN #4890	ROSE TOWNSHIP	2.8	GENERAL SYSTEM PU
8252498	13941	3708300000		108		THOS KEALOR #875-P	WETMORE TOWNSHIP	0.9	GENERAL SYSTEM PU
8252500	13497	3708300000		108		THOS KEELOR #528-P	HAMILTON TOWNSHIP	1.0	GENERAL SYSTEM PU
8252515	13976	3705321725		108		TINDALE & CARSON #2320	HICKORY TOWNSHIP	0.1	GENERAL SYSTEM PU
8252706	14182	3708300000		108		TWILA LARSON #1408-P	HAMILTON TOWNSHIP	0.7	GENERAL SYSTEM PU
8252707	14183	3708300000		108		TWILA LARSON #1409-P	HAMILTON TOWNSHIP	0.2	GENERAL SYSTEM PU
8252606	14078	3706500000		108		V & HIBBARD CO #5949	KNOX TOWNSHIP	1.9	GENERAL SYSTEM PU
8252715	14191	3706500000		108		VASBINDER #5760	WARSAW TOWNSHIP	0.4	GENERAL SYSTEM PU
8252714	14190	3706500000		108		VASBINDER #5761	WARSAW TOWNSHIP	0.9	GENERAL SYSTEM PU
8252522	13983	3706500000		108		VERSTINE & KLINE #2842	WARSAW TOWNSHIP	2.9	GENERAL SYSTEM PU
8252530	13991	3706500000		108		VERSTINE & KLINE #3500	WARSAW TOWNSHIP	3.9	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252559	14021	3706500000		108		VERSTINE & KLINE #3520	WARAW TOWNSHIP	1.9	GENERAL SYSTEM PU
8252537	13998	3706500000		108		VERSTINE & KLINE #3547	WARSAW TOWNSHIP	1.0	GENERAL SYSTEM PU
8252524	13985	3706500000		108		VERSTINE & KLINE FARM #3009	WARSAW TOWNSHIP	3.4	GENERAL SYSTEM PU
8252526	13987	3706500000		108		VERSTINE & KLINE FARM #3114	WARSAW TOWNSHIP	5.7	GENERAL SYSTEM PU
8252527	13988	3706500000		108		VERSTINE & KLINE FARM #3463	WARSAW TOWNSHIP	1.2	GENERAL SYSTEM PU
8252528	13989	3706500000		108		VERSTINE & KLINE FARM #3477	WARSAW TOWNSHIP	3.5	GENERAL SYSTEM PU
8252689	14165	3708300000		108		W B KIMBALL #2472	NORWICH TOWNSHIP	1.0	GENERAL SYSTEM PU
8252680	14156	3710500000		108		W B WHEELER #6022	SHARON TOWNSHIP	0.7	GENERAL SYSTEM PU
8252749	14226	3706500000		108		W BRYANT #574	HEATH TOWNSHIP	4.0	GENERAL SYSTEM PU
8252603	14075	3706500000		108		W D KANE #4832	PINECREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8252507	13961	3706500000		108		W E RANSEL #2818	HEATH TOWNSHIP	1.7	GENERAL SYSTEM PU
8252681	14157	3710500000		108		W F DUBOIS #6003	OSWAYO TOWNSHIP	1.3	GENERAL SYSTEM PU
8252683	14159	3710500000		108		W F DUBOIS #6008	OSWAYO TOWNSHIP	0.3	GENERAL SYSTEM PU
8252684	14160	3710500000		108		W F DUBOIS #6011	OSWAYO TOWNSHIP	0.2	GENERAL SYSTEM PU
8252685	14161	3710500000		108		W F DUBOIS #6012	OSWAYO TOWNSHIP	0.5	GENERAL SYSTEM PU
8252686	14162	3710500000		108		W F DUBOIS #6024	OSWAYO TOWNSHIP	0.7	GENERAL SYSTEM PU
8252808	14330	3710500000		108		W F DUBOIS #6160	OSWAYO TOWNSHIP	0.7	GENERAL SYSTEM PU
8252510	13964	3706500000		108		W G & A E FRAZIER #3099	HEATH TOWNSHIP	2.5	GENERAL SYSTEM PU
8252512	13966	3706500000		108		W G & A E FRAZIER #3150	HEATH TOWNSHIP	1.6	GENERAL SYSTEM PU
8252553	14015	3706500000		108		W G & A E FRAZIER #3490	HEATH TOWNSHIP	2.9	GENERAL SYSTEM PU
8252572	14034	3704700000		108		W M & G H POTTS FARM #1404	JONES TOWNSHIP	3.0	GENERAL SYSTEM PU
8252573	14035	3704700000		108		W M & G H POTTS FARM #1405	JONES TOWNSHIP	2.6	GENERAL SYSTEM PU
8252574	14036	3704700000		108		W M & G H POTTS FARM #1407	JONES TOWNSHIP	2.4	GENERAL SYSTEM PU
8252575	14037	3704700000		108		W M & G H POTTS FARM #1410	JONES TOWNSHIP	0.9	GENERAL SYSTEM PU
8252576	14038	3704700000		108		W M & G H POTTS FARM #1413	JONES TOWNSHIP	8.6	GENERAL SYSTEM PU
8252577	14039	3704700000		108		W M & G H POTTS FARM #1414	JONES TOWNSHIP	3.6	GENERAL SYSTEM PU
8252561	14023	3704700000		108		W M & G H POTTS FARM #3000	JONES TOWNSHIP	0.9	GENERAL SYSTEM PU
8252562	14024	3704700000		108		W M & G H POTTS FARM #3001	JONES TOWNSHIP	1.5	GENERAL SYSTEM PU
8252564	14026	3704700000		108		W M POTTS FARM #4278	JONES TOWNSHIP	2.6	GENERAL SYSTEM PU
8252765	14263	3706500000		108		W V ALLSHOUSE #3029	ROSE TOWNSHIP	1.2	GENERAL SYSTEM PU
8252798	14319	3712300000		108		WEBB HORTON #1068-P	SHEFFIELD TOWNSHIP	5.4	GENERAL SYSTEM PU
8252799	14320	3712300000		108		WEBB HORTON #1225-P	SHEFFIELD TOWNSHIP	1.2	GENERAL SYSTEM PU
8252695	14171	3712300000		108		WEBB HORTON #872-P	SHEFFIELD TOWNSHIP	0.2	GENERAL SYSTEM PU
8252803	14325	3710500000		108		WESTON LUMBER CO #6143	OSWAYO TOWNSHIP	0.7	GENERAL SYSTEM PU
8252708	14184	3708300000		108		WM M & G H POTTS #1412 P	HAMILTON TOWNSHIP	0.6	GENERAL SYSTEM PU
8252571	14033	3704700000		108		WM M & GH POTTS #1402	JONES TOWNSHIP	1.4	GENERAL SYSTEM PU
8252569	14031	3704700000		108		WM M POTTS #4490	JONES TOWNSHIP	1.0	GENERAL SYSTEM PU
8252709	14185	3708300000		108		WM SIMONDS FARM 4558	HAMLIN TOWNSHIP	4.0	GENERAL SYSTEM PU
8252759	14236	3706500000		108		WM TRUMAN FARM #760	POLK TOWNSHIP	2.8	GENERAL SYSTEM PU
8252687	14163	3710500000		108		WM W WESTON #6032	OSWAYO TOWNSHIP	0.3	GENERAL SYSTEM PU
-PHILLIPS PRODUCTION CO				RECEIVED:		09/02/82 JA: PA			
8252819	13945	3703321158		102-2		HAROLD W ASHCRAFT #1	BURNSIDE	25.0	
8252818	13944	3702120134		102-2		HENRY CARPINELLO #1	ELDER	90.0	
8252820	14240	3700522689		103		PAULINE C BRICE #1	WAYNE	35.0	
-PIVOT PETROLEUMS INC				RECEIVED:		09/02/82 JA: PA			
8252821	14375	3712330602		102-2		J ZALIK #1	FREEHOLD	20.0	COLUMBIA GAS TRAN
8252822	14376	3712330602		107-TF		J ZALIK #1	FREEHOLD	20.0	COLUMBIA GAS TRAN
-RED LEAF OIL LTD				RECEIVED:		09/02/82 JA: PA			
8252823	8998	3712327691		107-TF		C BRUNECZ #1	SUGAR GROVE	60.0	COLUMBIA GAS TRAN
-T W PHILLIPS GAS & OIL CO				RECEIVED:		09/02/82 JA: PA			
8252845	14352	3706500000		108		A C BUSH #1	ARMSTRONG	0.6	T W PHILLIPS GAS
8252872	14397	3706321263		108		A L BRAUGHLER #2	GRANT	6.3	T W PHILLIPS GAS
8252832	14047	3706300000		108		A M NORRIS #2	WINSLOW	0.4	T W PHILLIPS GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252833	14048	3706300000		108		A S HAZLETT #2	SOUTH MAHONING	0.1	T W PHILLIPS GAS
8252875	14400	3706321097		108		AMERICAN TRUSTEE & TRANSFER CORP #1	EAST MAHONING	6.1	T W PHILLIPS GAS
8252838	14297	3706500000		108		B F SHAFFER #3	PORTER	1.6	T W PHILLIPS GAS
8252837	14296	3706320299		108		BELLE VAN HORN #1	EAST MAHONING	3.3	T W PHILLIPS GAS
8252868	14393	3706300000		108		BLOSE & STITELER #1	WEST MAHONING	5.8	T W PHILLIPS GAS
8252852	14359	3706300000		108		BYRL JOHNSON #1	CONEMAUGH	2.4	T W PHILLIPS GAS
8252848	14355	3706300000		108		C T BELL #1	CONEMAUGH	1.2	T W PHILLIPS GAS
8252873	14398	3706321955		108		CLYDE A MCMILLEN #2	SOUTH MAHONING	5.6	T W PHILLIPS GAS
8252846	14353	3706500000		108		D M BLOSE #3	PERRY	2.1	T W PHILLIPS GAS
8252831	14046	3706300000		108		DANKS AUL #1	EAST MAHONING	0.5	T W PHILLIPS GAS
8252843	14302	3706321098		108		DANKS AUL #2	EAST MAHONING	2.5	T W PHILLIPS GAS
8252828	11720	3703320493		108		DENNIS SPENCER #1	PENN	1.4	T W PHILLIPS GAS
8252866	14391	3706320223		108		E B BRANDON #1	WASHINGTON	0.9	T W PHILLIPS GAS
8252840	14299	3706500000		108		ELMER MARSH #1	PORTER	2.5	T W PHILLIPS GAS
8252856	14363	3706500000		108		ELMER MARSH #2	PORTER	0.8	T W PHILLIPS GAS
8252847	14354	3706300000		108		F C & L E SHARP #1	PERRY	3.0	T W PHILLIPS GAS
8252859	14366	3706300000		108		F C AND L E SHARP #2	CONEMAUGH	2.0	T W PHILLIPS GAS
8252860	14367	3706300000		108		FEE & TOMB #2	WASHINGTON	2.9	T W PHILLIPS GAS
8252855	14362	3706300000		108		FRED & DOROTHY MUSSER #1	CONEMAUGH	1.8	T W PHILLIPS GAS
8252844	14351	3706300000		108		GEORGE W UNCAPHER #1	ARMSTRONG	1.8	T W PHILLIPS GAS
8252829	14044	3706300000		108		H J THOMPSON #2	EAST MAHONING	1.1	T W PHILLIPS GAS
8252835	14294	3700500000		108		HELVETIA COAL MINING CO #2	PLUMCREEK	0.7	T W PHILLIPS GAS
8252862	14369	3700500000		108		HELVETIA COAL MINING CO #3	PLUMCREEK	2.2	T W PHILLIPS GAS
8252867	14392	3706321386		108		IDA KINSEL #2	NORTH MAHONING	4.8	T W PHILLIPS GAS
8252861	14368	3700500000		108		J H & FLORENCE DUNMIRE #4	PLUMCREEK	2.0	T W PHILLIPS GAS
8252863	14370	3706300000		108		J L JONES #1	WASHINGTON	0.7	T W PHILLIPS GAS
8252864	14371	3706300000		108		J L JONES #2	WASHINGTON	4.0	T W PHILLIPS GAS
8252857	14364	3706300000		108		L J DUNCAN #1	CONEMAUGH	1.4	T W PHILLIPS GAS
8252834	14293	3706300000		108		L J ELKIN #1	WEST MAHONING	2.5	T W PHILLIPS GAS
8252876	14401	3706220302		108		M J BRILHART #1	EAST MAHONING	7.7	T W PHILLIPS GAS
8252849	14356	3706300000		108		MATILDA HABERSTICH #1	WASHINGTON	2.4	T W PHILLIPS GAS
8252850	14357	3706200000		108		MATILDA HABERSTICH #2	CONEMAUGH	0.6	T W PHILLIPS GAS
8252830	14045	3706300000		108		MCELHOES & BUCHANAN #2	RAYNE	1.4	T W PHILLIPS GAS
8252839	14298	3706300000		108		MINSER & STEVENSON #1	WEST MAHONING	2.2	T W PHILLIPS GAS
8252871	14396	3712900000		108		PAUL ALMES #1	BELL	4.6	T W PHILLIPS GAS
8252869	14394	3706320824		108		R J ALLISON #1	CENTER	1.6	T W PHILLIPS GAS
8252842	14301	3706321334		108		ROBERT G GEORGE #2	ARMSTRONG	5.0	T W PHILLIPS GAS
8252841	14300	3706500000		108		ROCHESTER & PITTSBURGH COAL CO #1	YOUNG	1.0	T W PHILLIPS GAS
8252853	14360	3706500000		108		ROCHESTER & PITTSBURGH COAL CO #10	WINSLOW	0.8	T W PHILLIPS GAS
8252836	14295	3706500000		108		ROCHESTER & PITTSBURGH COAL CO #9	WINSLOW	1.4	T W PHILLIPS GAS
8252870	14395	3706300000		108		S T GAUL #2	WEST MAHONING	4.2	T W PHILLIPS GAS
8252851	14358	3706300000		108		S T GAUL #3	WEST MAHONING	2.9	T W PHILLIPS GAS
8252865	14372	3706300000		108		SAMUEL FOOSE #2	NORTH MAHONING	1.5	T W PHILLIPS GAS
8252858	14365	3706300000		108		SEANOR & STREAMS #2	WASHINGTON	0.5	T W PHILLIPS GAS
8252874	14399	3706322214		108		THOMAS BERESNYAK #2	SOUTH MAHONING	7.7	T W PHILLIPS GAS
8252854	14361	3700500000		108		W E REEFER #1	PLUMCREEK	1.4	T W PHILLIPS GAS
-TER-EX INC				RECEIVED:	09/02/82	JA: PA			
8252825	14049	3712922007		103		TER-EX JOHN FORBES	DRY RIDGE	20.0	STANDARD STEEL CO
-TURM OIL INC				RECEIVED:	09/02/82	JA: PA			
8252827	14246	3700522685		103		DANIEL W & VALERIE J SMITH #1	ROSE VALLEY	45.0	PEOPLES NATURAL G
8252826	14245	3700522687		103		SALEM UNITED CHURCH OF CHRIST #1	ROSE VALLEY	48.0	PEOPLES NATURAL G
-US ENERGY DEVELOPMENT CORP				RECEIVED:	09/02/82	JA: PA			
8252877	13948	3712330571		102-2		D P TRISKET #1	COLUMBUS	20.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252882	13949	3712330571		107-TF		D P TRISKET #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8252879	14144	3712330572		102-2		D TRISKET #2	COLUMBUS	20.0	COLUMBIA GAS TRAN
8252884	14143	3712330572		107-TF		D TRISKET #2	COLUMBUS	20.0	COLUMBIA GAS TRAN
8252880	14291	3712330104		102-2		HUNTLEY #2	COLUMBUS	20.0	COLUMBIA GAS TRAN
8252885	14292	3712330104		107-TF		HUNTLEY #2	COLUMBUS	20.0	COLUMBIA GAS TRAN
8252878	13950	3712330124		102-2		J ZAJAC #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8252883	13951	3712330124		107-TF		J ZAJAC #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8252881	14373	3712330103		102-2		L HUNTLEY #1	COLUMBUS	0.0	COLUMBIA GAS TRAN
8252886	14374	3712330103		107-TF		L HUNTLEY #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
-VILLANOVA NATURAL GAS CORP				RECEIVED:	09/02/82	JA: PA			
8252892	10819	3712329383		107-TF		J WOODWORTH #1	COLUMBUS	0.0	COLUMBIA GAS TRAN
8252888	10817	3712329689		102-2		PAUL SUCHAR #1	COLUMBUS	0.0	COLUMBIA GAS TRAN
8252891	10818	3712329689		107-TF		PAUL SUCHAR #1	COLUMBUS	0.0	COLUMBIA GAS TRAN
8252887	10816	3712329384		102-2		SAVKO #1	COLUMBUS	0.0	COLUMBIA GAS TRAN
8252890	10815	3712329384		107-TF		SAVKO #1	COLUMBUS	0.0	COLUMBIA GAS TRAN
8252889	10820	3712329383		102-2		WOODWORTH #1	COLUMBUS	0.0	COLUMBIA GAS TRAN
-WAINOCO OIL & GAS CO				RECEIVED:	09/02/82	JA: PA			
8252893	10 886	3703921145		102-2		JAMES E LEWIS #1 (W-114)	ATHENS (BLOOMFIELD)	21.5	COLUMBIA GAS TRAN
8252894	10887	3703921145		107-TF		JAMES E LEWIS #1 (W-114)	ATHENS (BLOOMFIELD)	21.5	COLUMBIA GAS TRAN

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MHCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New wall (2.5 mile rule)
- 102–3: New wall (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–CB: Geopressured brine
- 107–CB: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper wall
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–26425 Filed 9–24–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 21, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-AMINOIL USA INC				RECEIVED:	09/03/82	JA: LA			
8253142	82-0408	1707522807		103		E COCKRELL JR "A" #137	LAKE WASHINGTON	365.0	SOUTHERN NATURAL
-AMOCO PRODUCTION CO				RECEIVED:	09/03/82	JA: LA			
8253019	82-1028	1707720265		107-DP		R BIZETTE #1 18,100 TUSC RA SUI	MOORE - SAMS	3650.0	TEXAS GAS TRANSMI
-BENGAL OIL & GAS INC				RECEIVED:	09/03/82	JA: LA			
8253123	82-3038	1707321849		108		MYHRE #1	MONROE	6.0	UNITED GAS PIPE L
8253122	82-3039	1707321846		108		MYHRE #2	MONROE	3.0	UNITED GAS PIPE L
8253121	82-3040	1707321847		108		MYHRE #3	MONROE	3.0	UNITED GAS PIPE L
8253120	82-3041	1707321848		108		MYHRE #5	MONROE	6.0	UNITED GAS PIPE L
-BLG CO				RECEIVED:	09/03/82	JA: LA			
8253057	82-3058	1711123451		108		READ #1 (SN 177867)	MONROE GAS	0.0	MID LOUISIANA GAS
-CARMET OIL INC				RECEIVED:	09/03/82	JA: LA			
8253143	82-0385	1703121596		103		BOISE SOUTHERN #6	GRAND CANE	0.0	LOUISIANA INTRAST
-CENTENNIAL EXPLORATION INC				RECEIVED:	09/03/82	JA: LA			
8253078	82-3017	1703121644		103		HEADRICK #1	BETHANY LONGSTREET	109.0	ARKANSAS LOUISIAN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	09/03/82	JA: LA			
8253030	82-2907	1709720570		103		BANK OF THE SUNSET #1	NORTH CANKTON	0.0	LOUISIANA INTRAST
-CONOCO INC				RECEIVED:	09/03/82	JA: LA			
8253158	82-3084	1703920249		103		LUDEAU-HAAS #12	VILLE PLATTE	5.0	LOUISIANA INTRAST
8253157	82-3083	1703920249		103		LUDEAU-HAAS #12 D	VILLE PLATTE	5.0	LOUISIANA INTRAST
-CRYSTAL OIL COMPANY				RECEIVED:	09/03/82	JA: LA			
8253118	82-0381	1701724159		103		CLEMENTS #5	NORTH MISSIONARY LAKE	730.0	ARKANSAS LOUISIAN
8253039	81-2877	1701724159		103		CLEMENTS #5-D	NORTH MISSIONARY LAKE	146.0	ARKANSAS LOUISIAN
8253017	81-2999	1701723386		103		EDGAR #1	GREENWOOD - WASKOM	237.2	UNITED GAS PIPELI
8253001	82-0083	1701521627		103		HAMITER "C" #1	ARKANA	34.7	ARKANSAS LOUISIAN
-D-RAM CONSTRUCTION CO				RECEIVED:	09/03/82	JA: LA			
8253127	82-2888	1707321862		108		FRENCH #1	MONROE GAS	0.0	IMC EXPLORATION C
8253128	82-2889	1707321842		103		HAYGOOD #1	MONROE GAS	0.0	IMC EXPLORATION C
8253172	82-2890	1707321843		103		JONES #1	MONROE GAS	0.0	IMC EXPLORATION C
8253174	82-2893	1707321844		103		JONES #2	MONROE GAS	0.0	IMC EXPLORATION C
8253175	82-2894	1707321838		103		MORRIS #1	MONROE GAS	0.0	IMC EXPLORATION C
8253173	82-2991	1707321863		103		PRATT #4	MONROE	0.0	LOUISIANA GAS SER
8253176	82-2895	1707321860		103		WILLIAMS #1	MONROE GAS	0.0	IMC EXPLORATION C
-ENNEX PRODUCTION COMPANY				RECEIVED:	09/03/82	JA: LA			
8253145	82-1418	1703320104		107-DP		W C WATTS #1	WILDCATE - COMITE	2957.0	
-EXXON CORPORATION				RECEIVED:	09/03/82	JA: LA			
8253013	82-0383	1705721860		103		EXXON FEE B #24 BCP TEX RL SU	BULLY CAMP	50.0	TENNESSEE GAS PIP
8253178	82-2904	1704520741		103		MIAMI CORP K #10	WEEKS ISLAND	100.0	UNITED GAS PIPE L
8253156	82-3090	1710121267		103		MIAMI CORP W #4	BAYOU CARLIN	100.0	TRUNKLINE GAS CO
-FRANK HALE				RECEIVED:	09/03/82	JA: LA			
8253048	82-3178	1701724420		103		TERRY #1 177606	CADDO PINE ISLAND	644.0	ARKANSAS LOUISIAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-FRANKS & PETROFUNDS INC				RECEIVED:	09/03/82	JA: LA			
8253166	82-2329	1701320189		107-PE		DAVIS BROS LBR CO #I-1 U PET SUE	DRISCOLL	245.0	UNITED GAS PIPELI
8253009	82-2330	1701320215		107-PE		WILLIAMS #A-1 U PET SUP	DRISCOLL	177.0	UNITED GAS PIPELI
-GAS RESOURCES INC				RECEIVED:	09/03/82	JA: LA			
8253087	82-3065	1711123367		103		BILL G HALLEY #3	MONROE GAS	33.0	MID LOUISIANA GAS
8253088	82-3066	1711123368		103		BILL G HALLEY #4	MONROE GAS	29.0	MID LOUISIANA GAS
8253161	82-3067	1711123369		103		BILL G HALLEY #5	MONROE GAS	24.0	MID LOUISIANA GAS
8253130	82-3060	1711123479		103		E G MEEKS #1	MONROE GAS	22.0	MID LOUISIANA GAS
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED:	09/03/82	JA: LA			
8253018	82-1579	1705320639		103		CHARLIE BREAUX #3	NORTH WELSH	365.0	UNITED GAS PIPELI
-GEORGE R SCHURMAN				RECEIVED:	09/03/82	JA: LA			
8253155	82-3085	1703121846		103		CALLON AGENT #4	RED RIVER BULL BAYOU	0.0	LOUISIANA INTRAST
8253192	82-0784	1703121718		103		CONTINENTAL CAN COMPANY #2	RED RIVER BULL BAYOU	150.0	LOUISIANA INTRAST
-GETTY OIL CO				RECEIVED:	09/03/82	JA: LA			
8253170	82-2905	1709920942		103		SMEDES BROTHERS #21	ST MARTINVILLE	0.0	CONOCO INC
-GLENDA PETROLEUM CORP				RECEIVED:	09/03/82	JA: LA			
8253055	82-3097	1707321548		108		PENNZOIL 28 #16 S/N 176979	MONROE	11.0	UNITED GAS PIPELI
8253054	82-3098	1707321549		108		PENNZOIL 28 #17 S/N 176980	MONROE	11.0	UNITED GAS PIPELI
8253053	82-3099	1707321559		108		PENNZOIL 28 #18 S/N 176981	MONROE	11.0	UNITED GAS PIPELI
8253052	82-3105	1707321519		108		PENNZOIL 29 #1 S/N 177224	MONROE	11.0	UNITED GAS PIPELI
8253051	82-3106	1707321550		108		PENNZOIL 29 #8 S/N 177225	MONROE	11.0	UNITED GAS PIPELI
8253050	82-3107	1707321562		108		PENNZOIL 29 #9 S/N 176985	MONROE	10.0	UNITED GAS PIPELI
-GREAT SOUTHERN OIL & GAS CO INC				RECEIVED:	09/03/82	JA: LA			
8253012	82-0389	1711321097		103		BROOKSHIRE #2	ABBEVILLE	140.0	LOUISIANA GAS SYS
-GUERNSEY PETROLEUM CORPORATION				RECEIVED:	09/03/82	JA: LA			
8253011	82-0781	1703121744		103		FAIR-LASSETT #2	RED RIVER-BULL BAYOU	36.0	TEXAS EASTERN TRA
8253015	82-0780	1703121743		103		SUTHERLIN #1	BUFFALO BAYOU	36.0	TEXAS EASTERN TRA
-GULF OIL CORPORATION				RECEIVED:	09/03/82	JA: LA			
8253116	82-0415	1707522781		103		#11 S L 195 QQ	LAKE CAMPO	180.0	SOUTHERN NATURAL
8253023	82-0414	1707522848		103		S L 195 QQ #96	WEST BLACK BAY	12.4	SOUTHERN NATURAL
-HADDOX PETROLEUM CORP				RECEIVED:	09/03/82	JA: LA			
8253084	82-3043	1711123379		108		DAY #1	MONROE	7.2	LOUISIANA POWER &
8253119	82-3042	1711123281		108		JOHN S MEDLIN #1	MONROE	6.5	LOUISIANA POWER &
8253076	82-3021	1711123012		108		MANVILLE 748 #1	MONROE	12.9	IMC PIPELINE CO I
8253075	82-3022	1711123013		108		MANVILLE 748 #2	MONROE	14.5	IMC PIPELINE CO I
8253079	82-3010	1711123288		108		MANVILLE 794 #1	MONROE	9.3	IMC PIPELINE CO I
8253068	82-2899	1711122235		108		MOBIL-IP #4	MONROE	20.9	MID LOUISIANA GAS
8253031	82-3044	1711123396		108		U S A #1	MONROE	7.2	IMC PIPELINE CO I
-HENRY GOODRICH D/B/A GOODRICH OIL C				RECEIVED:	09/03/82	JA: LA			
8253029	81-2876	1701521630		103		TOOKE #1	ELM GROVE	180.0	SOUTHWESTERN ELEC
8253171	82-2906	1700120875		103		WRIGHT #1	MIDLAND	365.0	CONOCO INC
-IMC EXPLORATION COMPANY				RECEIVED:	09/03/82	JA: LA			
8253132	82-3051	1707320382		108		RICHLAND PLANTATION #F-229	MONROE	18.0	IMC PIPELINE CO I
-INTERNATIONAL POWER SERVICES				RECEIVED:	09/03/82	JA: LA			
8253163	82-3073	1711120533		108		ANTLEY #1 S/N 147127	MONROE	23.1	IMC PIPELINE CO I
8253164	82-3074	1711120534		108		ANTLEY #2 S/N 147128	MONROE	34.8	IMC PIPELINE CO I
8253179	82-3069	1711120674		108		H W ALLEN EST #1 S/N 149440	MONROE	3.4	IMC PIPELINE CO I
8253108	82-3070	1711120675		108		H W ALLEN EST #2 S/N 149441	MONROE	3.5	IMC PIPELINE CO I
8253089	82-3071	1711120676		108		H W ALLEN EST #3 S/N 149442	MONROE	14.6	IMC PIPELINE CO I
8253162	82-3075	1711120527		108		O D LOVE #1 S/N 147019	MONROE	26.4	IMC PIPELINE CO I
8253160	82-3076	1711120535		108		O D LOVE #2 S/N 147129	MONROE	31.4	IMC PIPELINE CO I
8253159	82-3077	1711120536		108		P M TURNER ESTATE #1 S/N 147130	MONROE	11.8	IMC PIPELINE CO I
8253090	82-3072	1711120776		108		W H TURNER #1 S/N 150727	MONROE	20.6	IMC PIPELINE CO I

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8253180	82-3068	1711120526		108		WILLIAMSON #1 S/N 147018	MONROE	15.7	IMC PIPELINE CO I
-JEEMS BAYOU PRODUCTION CORP				RECEIVED:	09/03/82	JA: LA			
8253077	82-3018	1703121134		103		BUFKIN #2	GROGAN	292.0	TENNESSEE GAS PIP
-JOHN O CLAY EXPLORATION INC				RECEIVED:	09/03/82	JA: LA			
8253144	82-0386	1712721076		103		LOUISIANA PACIFIC #1	CROSSROADS	50.0	LOUISIANA INTRAST
-JUSTISS OIL CO INC				RECEIVED:	09/03/82	JA: LA			
8253102	82-0327	1707321809		102-2		A WILDLIFE 5 HOSS RA SUK	MILLHAVEN	360.0	LOUISIANA INTRAST
-KERR-MCGEE CORPORATION				RECEIVED:	09/03/82	JA: LA			
8253103	82-0318	1772520245		103		BRS 20 6100' RB SU S L 2326 NO 45	BRETON SOUND BLOCK 20	1.0	SOUTHERN NATURAL
8253035	82-0397	1772620202		103		S L 1227 #Z-1	BRETON SOUND BLOCK 32	13.0	SOUTHERN NATURAL
8253129	82-0319	1772620248		103		S L 1227 #1	BRETON SOUND BLOCK 32	328.5	SOUTHERN NATURAL
8253036	82-0398	1772620233		103		S L 2326 #44	BRETON SOUND BLOCK 20	219.0	SOUTHERN NATURAL
-LAMSON/ONSHORE PETROLEUM CORP				RECEIVED:	09/03/82	JA: LA			
8253093	82-2976	1711321184		103		BEATRICE C HARTWELL #1	WEST GUEYDAN	710.0	
-LANKFORD & NANCE				RECEIVED:	09/03/82	JA: LA			
8253085	82-3045	1711122309		108		J W LANKFORD #2	MONROE	14.0	TEXAS GAS TRANSMI
-LYONS PETROLEUM INC				RECEIVED:	09/03/82	JA: LA			
8253111	82-0634	1708120438		103		M B DUPREE #3	REDOAK LAKE	180.0	LOUISIANA INTRAST
-MARATHON OIL COMPANY				RECEIVED:	09/03/82	JA: LA			
8253002	81-2970	1711920280		103		MOC GLEASON #1 CV JRS SU	COTTON VALLEY	206.0	UNITED GAS PIPE L
-MICH-LA OIL & GAS EXPLORATION				RECEIVED:	09/03/82	JA: LA			
8253101	82-0807	1703100000		102-2		CRANFORD #1	GROGAN	720.0	TENNESSEE GAS PIP
-MID LOUISIANA GAS COMPANY				RECEIVED:	09/03/82	JA: LA			
8253094	82-3005	1711123262		108		MLGC FEE GAS #1074	MONROE GAS FIELD	12.2	MID LOUISIANA GAS
8253095	82-3006	1711232630		108		MLGC FEE GAS #1075	MONROE GAS FIELD	21.6	MID LOUISIANA GAS
8253082	82-3007	1706721650		108		MLGC FEE GAS #1077	MONROE GAS FIELD	6.6	MID LOUISIANA GAS
8253081	82-3008	1707321790		108		MLGC FEE GAS #1083	MONROE GAS FIELD	16.9	MID LOUISIANA GAS
8253080	82-3009	1707321792		108		MLGC FEE GAS #1085	MONROE GAS FIELD	4.6	MID LOUISIANA GAS
8253073	82-2956	1711123307		108		MLGC FEE GAS #1089	MONROE GAS	12.3	MID LOUISIANA GAS
8253072	82-2957	1711123293		108		MLGC FEE GAS #1092	MONROE GAS	11.9	MID LOUISIANA GAS
8253188	82-2958	1711123316		108		MLGC FEE GAS #1095	MONROE GAS FIELD	16.8	MID LOUISIANA GAS
8253136	82-2959	1711123375		108		MLGC FEE GAS #1098	MONROE GAS FIELD	16.4	MID LOUISIANA GAS
8253147	82-2960	1711123376		108		MLGC FEE GAS #1099	MONROE GAS FIELD	16.7	MID LOUISIANA GAS
-MIDWAY PRODUCTION CO				RECEIVED:	09/03/82	JA: LA			
8253086	82-3063	1707321836		108		BLM #1	MONROE	1.0	IMC PIPELINE CO I
-MITCHELL ENERGY CORPORATION				RECEIVED:	09/03/82	JA: LA			
8253138	82-2365	1704920151		103		SILAS AULDS #1	CALHOUN	182.0	LOUISIANA GAS PUR
-NEBO OIL CO INC				RECEIVED:	09/03/82	JA: LA			
8253165	82-0535	1704320225		102-2		T H VALLEE #1	COLFAX	225.0	LOUISIANA INTRAST
-PATTERSON RESOURCES INC				RECEIVED:	09/03/82	JA: LA			
8253199	82-2963	1705721908		103		K SUD #1 D J ROBICHAUX	BOURG	400.0	COLUMBIA GAS TRAN
-PELTO OIL CO				RECEIVED:	09/03/82	JA: LA			
8253010	82-2323	1702321764		107-DP		STATE LEASE 9086 #2	BETTY LAKE	2555.0	TEXAS EASTERN TRA
-PENNZOIL PRODUCING COMPANY				RECEIVED:	09/03/82	JA: LA			
8253124	82-3026	1707300034		108		SMITH #10	MONROE	21.0	UNITED GAS PIPE L
-PETERMAN-STURLESE ET AL				RECEIVED:	09/03/82	JA: LA			
8253191	82-0380	1701921014		103		PETERMAN-STURLEE #2 JACK E LAWTON	PINE RIDGE	0.0	CONOCO INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	09/03/82	JA: LA			
8253049	82-3162	1711920255		103		BURSON B #1 HOSS B RA SUGG:	ADA	478.0	SOUTHWESTERN ELEC
8253014	82-0412	1772720150		103		SL 2221 ELOI BAY B-#10	ELOI BAY	25.0	SOUTHERN NATURAL
8253190	82-0413	1772720150		103		SL 2221 ELOI BAY B-#10D	ELOI BAY	36.0	SOUTHERN NATURAL
-PRIMOS PRODUCTION CO				RECEIVED:	09/03/82	JA: LA			
8253099	82-2924	1711122949		108		PETRO LEWIS FROST LUMBER #30	MONROE	22.1	PETRO LEWIS FUNDS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8253100	82-2923	1711122984		108		PETRO LEWIS FROST LUMBER #48	MONROE	47.1	PETRO LEWIS FUNDS
8253091	82-2974	1711123209		108		PETRO LEWIS UNION POWER #28	MONROE	29.9	PETRO LEWIS FUNDS
8253092	82-2975	1711123270		108		PETRO LEWIS UNION POWER #29	MONROE	29.9	PETRO LEWIS FUNDS
8253183	82-2917	1711122952		108		PETRO-LEWIS - FROST LUMBER #33	MONROE	23.1	PETRO-LEWIS FUNDS
8253187	82-2911	1711123935		108		PETRO-LEWIS CLARK #1	MONROE	59.6	PETRO-LEWIS FUNDS
8253061	82-2937	1711123328		108		PETRO-LEWIS CONS CARBON #3	MONROE	36.3	PETRO-LEWIS FUNDS
8253069	82-2938	1711123197		108		PETRO-LEWIS CONS CARBON #4	MONROE	21.4	PETRO-LEWIS FUNDS
8253060	82-2939	1711122912		108		PETRO-LEWIS FROST LUMBER #23	MONROE	18.8	PETRO-LEWIS FUNDS
8253059	82-2940	1711122917		108		PETRO-LEWIS FROST LUMBER #24	MONROE	37.6	PETRO-LEWIS FUNDS
8253058	82-2941	1711122923		108		PETRO-LEWIS FROST LUMBER #25	MONROE	37.6	PETRO-LEWIS FUNDS
8253137	82-2942	1711122924		108		PETRO-LEWIS FROST LUMBER #26	MONROE	13.5	PETRO-LEWIS FUNDS
8253026	82-2943	1711122936		108		PETRO-LEWIS FROST LUMBER #27	MONROE	31.2	PETRO-LEWIS FUNDS
8253185	82-2944	1711122911		108		PETRO-LEWIS FROST LUMBER #28	MONROE	31.2	PETRO-LEWIS FUNDS
8253041	82-2879	1711122937		108		PETRO-LEWIS FROST LUMBER #29	MONROE	21.8	PETRO-LEWIS FUNDS
8253098	82-2925	1711122950		108		PETRO-LEWIS FROST LUMBER #31	MONROE	22.2	PETRO LEWIS FUNDS
8253193	82-2916	1711122951		108		PETRO-LEWIS FROST LUMBER #32	MONROE	23.1	PETRO-LEWIS FUNDS
8253182	82-2918	1711122953		108		PETRO-LEWIS FROST LUMBER #34	MONROE	23.1	PETRO-LEWIS FUNDS
8253197	82-2912	1711122972		108		PETRO-LEWIS FROST LUMBER #35	MONROE	32.7	PETRO-LEWIS FUNDS
8253196	82-2913	1711122954		108		PETRO-LEWIS FROST LUMBER #36	MONROE	32.7	PETRO-LEWIS FUNDS
8253195	82-2914	1711122964		108		PETRO-LEWIS FROST LUMBER #37	MONROE	32.7	PETRO-LEWIS FUNDS
8253194	82-2915	1711122973		108		PETRO-LEWIS FROST LUMBER #38	MONROE	32.7	PETRO-LEWIS FUNDS
8253148	82-2908	1711122955		108		PETRO-LEWIS FROST LUMBER #39	MONROE	32.7	PETRO-LEWIS FUNDS
8253181	82-2919	1711122976		108		PETRO-LEWIS FROST LUMBER #44	MONROE	39.3	PETRO-LEWIS FUNDS
8253154	82-2920	1711122977		108		PETRO-LEWIS FROST LUMBER #45	MONROE	39.3	PETRO-LEWIS FUNDS
8253152	82-2921	1711122978		108		PETRO-LEWIS FROST LUMBER #46	MONROE	39.3	PETRO-LEWIS FUNDS
8253153	82-2922	1711122983		108		PETRO-LEWIS FROST LUMBER #47	MONROE	47.1	PETRO-LEWIS FUNDS
8253042	82-2880	1711122985		108		PETRO-LEWIS FROST LUMBER #49	MONROE	48.2	PETRO-LEWIS FUNDS
8253043	82-2881	1711122986		108		PETRO-LEWIS FROST LUMBER #50	MONROE	48.2	PETRO-LEWIS FUNDS
8253044	82-2882	1711122965		108		PETRO-LEWIS FROST LUMBER #53	MONROE	10.1	PETRO-LEWIS FUNDS
8253045	82-2883	1711122966		108		PETRO-LEWIS FROST LUMBER #54	MONROE	10.1	PETRO-LEWIS FUNDS
8253046	82-2884	1711123048		108		PETRO-LEWIS FROST LUMBER #57	MONROE	33.2	PETRO-LEWIS FUNDS
8253047	82-2885	1711123049		108		PETRO-LEWIS FROST LUMBER #58	MONROE	33.2	PETRO-LEWIS FUNDS
8253184	82-2945	1711123050		108		PETRO-LEWIS FROST LUMBER #59	MONROE	33.2	PETRO-LEWIS FUNDS
8253151	82-2946	1711123051		108		PETRO-LEWIS FROST LUMBER #60	MONROE	33.2	PETRO-LEWIS FUNDS
8253025	82-2947	1711123052		108		PETRO-LEWIS FROST LUMBER #61	MONROE	33.2	PETRO-LEWIS FUNDS
8253074	82-2948	1711123053		108		PETRO-LEWIS FROST LUMBER #62	MONROE	38.8	PETRO-LEWIS FUNDS
8253024	82-2949	1711123054		108		PETRO-LEWIS FROST LUMBER #63	MONROE	38.8	PETRO-LEWIS FUNDS
8253125	82-2886	1711123255		108		PETRO-LEWIS FROST LUMBER #64	MONROE	31.8	PETRO-LEWIS FUNDS
8253097	82-2926	1711123033		108		PETRO-LEWIS FROST LUMBER #65	MONROE	14.6	PETRO-LEWIS FUNDS
8253096	82-2927	1711123034		108		PETRO-LEWIS FROST LUMBER #66	MONROE	38.8	PETRO LEWIS FUNDS
8253037	82-2876	1711123036		108		PETRO-LEWIS FROST LUMBER #68	MONROE	53.7	PETRO-LEWIS FUNDS
8253038	82-2877	1711123096		108		PETRO-LEWIS FROST LUMBER #69	MONROE	28.1	PETRO-LEWIS FUNDS
8253040	82-2878	1711123097		108		PETRO-LEWIS FROST LUMBER #70	MONROE	28.1	PETRO-LEWIS FUNDS
8253126	82-2887	1711123298		108		PETRO-LEWIS FROST LUMBER #71	MONROE	28.1	PETRO-LEWIS FUNDS
8253134	82-2928	1711123225		108		PETRO-LEWIS FROST LUMBER #72	MONROE	39.7	PETRO-LEWIS FUNDS
8253133	82-2929	1711123123		108		PETRO-LEWIS FROST LUMBER #73	MONROE	29.5	PETRO-LEWIS FUNDS
8253063	82-2930	1711123124		108		PETRO-LEWIS FROST LUMBER #74	MONROE	29.5	PETRO-LEWIS FUNDS
8253062	82-2931	1711123170		108		PETRO-LEWIS FROST LUMBER #75	MONROE	26.6	PETRO-LEWIS FUNDS
8253113	82-2294	1711123395		108		PETRO-LEWIS J J WARD #1	MONROE	7.6	PETRO LEWIS FUNDS
8253112	82-2295	1711123360		108		PETRO-LEWIS LA GAS LANDS #1	MONROE	21.4	PETRO-LEWIS FUNDS
8253149	82-2909	1711123176		108		PETRO-LEWIS M F BROWN ETAL #1	MONROE	40.6	PETRO-LEWIS FUNDS
8253186	82-2910	1711123177		108		PETRO-LEWIS M F BROWN ETAL #2	MONROE	35.9	PETRO-LEWIS FUNDS
8253114	82-2293	1711123144		108		PETRO-LEWIS MARY D WHEELER #3	MONROE	51.7	PETRO-LEWIS FUNDS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8253028	82-2296	1711122938		108		PETRO-LEWIS NOLAN HEIRS #1	MONROE	30.2	PETRO-LEWIS FUNDS
8253168	82-2297	1711122939		108		PETRO-LEWIS UNION POWER #15	MONROE	50.9	PETRO-LEWIS FUNDS
8253032	82-2298	1711122942		108		PETRO-LEWIS UNION POWER #16	MONROE	50.9	PETRO-LEWIS FUNDS
8253167	82-2299	1711122918		108		PETRO-LEWIS UNION POWER #17	MONROE	50.9	PETRO-LEWIS FUNDS
8253065	82-2305	1711122941		108		PETRO-LEWIS UNION POWER #18	MONROE	50.9	PETRO-LEWIS FUNDS
8253066	82-2306	1711123107		108		PETRO-LEWIS UNION POWER #19	MONROE	50.9	PETRO-LEWIS FUNDS
8253064	82-2307	1711123110		108		PETRO-LEWIS UNION POWER #20	MONROE	58.7	PETRO-LEWIS FUNDS
8253200	82-2308	1711123111		108		PETRO-LEWIS UNION POWER #21	MONROE	58.7	PETRO-LEWIS FUNDS
8253198	82-2972	1711122996		108		PETRO-LEWIS UNION POWER #22	MONROE	58.7	PETRO-LEWIS FUNDS
8253169	82-2309	1711122997		108		PETRO-LEWIS UNION POWER #23	MONROE	29.9	PETRO-LEWIS FUNDS
8253083	82-2973	1711123208		108		PETRO-LEWIS UNION POWER #27	MONROE	16.8	PETRO-LEWIS FUNDS
8253110	82-2289	1711123213		108		PETRO-LEWIS UNION POWER #32	MONROE	29.9	PETRO-LEWIS FUNDS
8253033	82-2310	1711123112		108		PETRO-LEWIS UNION POWERS #24	MONROE	19.6	PETRO-LEWIS FUNDS
8253109	82-2290	1711123143		108		PETRO-LEWIS UNION PRALUING #6	MONROE	58.7	PETRO-LEWIS FUNDS
8253006	82-2300	1711122873		108		PETRO-LEWIS UNION PRODUCING #1	MONROE	20.8	PETRO-LEWIS FUNDS
8253007	82-2301	1711122885		108		PETRO-LEWIS UNION PRODUCING #2	MONROE	33.3	PETRO-LEWIS FUNDS
8253008	82-2302	1711123140		108		PETRO-LEWIS UNION PRODUCING #3	MONROE	33.4	PETRO-LEWIS FUNDS
8253067	82-2303	1711123141		108		PETRO-LEWIS UNION PRODUCING #4	MONROE	38.3	PETRO-LEWIS FUNDS
8253027	82-2304	1711123142		108		PETRO-LEWIS UNION PRODUCING #5	MONROE	38.3	PETRO-LEWIS FUNDS
8253115	82-2291	1711122880		108		PETRO-LEWIS V M EDWARDS #1	MONROE	20.8	PETRO-LEWIS FUNDS
-ROBERSON WELL SERVICE				RECEIVED:	09/03/82	JA: LA	MONROE	5.3	PETRO-LEWIS FUNDS
8253131	82-3050	1711123409		108		UNION POWER #2			
8253034	82-3049	1711123560		108		WILLIAMSON #1	MONROE	16.0	PETRO LEWIS CORP
-SAMSON RESOURCES COMPANY				RECEIVED:	09/03/82	JA: LA	MONROE	16.0	PETRO LEWIS CORP
8253056	82-3094	1707321212		103		NEWT MILLS #1			
-SEVARG COMPANY INC				RECEIVED:	09/03/82	JA: LA	CALHOUN	36.5	TEXAS GAS TRANSMI
8253022	82-0761	1703920240		103		GENEVIEVE R DISCHLER #1			
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	09/03/82	JA: LA	NORTH SAVOY	91.0	TEXAS EASTERN TRA
8253135	82-2951	1701120430		103		A C CHAPPUIS #3			
8253146	82-2962	1703121823		103		FARMER C #15	SHOATS CREEK	142.0	TRUNKLINE GAS CO
-TENNECO OIL COMPANY				RECEIVED:	09/03/82	JA: LA	RED RIVER BULL BAYOU	95.0	LOUISIANA INTRAST
8253005	82-2325	1710922576		107-DP		DENNIS CENAC #15			
-TEXACO INC				RECEIVED:	09/03/82	JA: LA	LAKE BARRE	1000.0	TENNESSEE GAS PIP
8253071	82-2961	1701722848		103		D L GISH #1			
8253141	82-0373	1710922489		103		DGL U7 #27 VUG	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
8253107	82-0124	1710922457		103		LB U23 #15 VU 23	DOG LAKE	893.0	TEXAS GAS TRANSMI
8253139	82-0370	1708920364		103		LL&E #92 10700 RAB1 SUA	LAKE BARRE	270.0	KAISER ALUMINUM &
8253003	81-2847	1705721818		103		LL&E LEEVILLE #323	PARADIS	233.0	KAISER ALUMINUM &
8253000	82-0123	1710922297		103		LP U13 #79 VUM	LEEVILLE	97.0	KAISER ALUMINUM &
8253004	81-2821	1710922396		103		SL 2995 #1 VUA	LAKE PELTO	5.0	KAISER ALUMINUM &
8253117	82-0378	1707522522		103		SL 335 DEU #54 VUA	BAY ST ELAINE	239.0	KAISER ALUMINUM &
8253140	82-0374	1707522455		103		SL 335 DEU N #56 VUA	DELACROIX ISLAND	365.0	UNITED GAS PIPE L
8253016	82-0661	1770720105		103		SL 340 MOUND POINT #85	DELACROIX ISLAND	111.0	UNITED GAS PIPE L
8253177	82-2902	1770720088		103		SL 340 MOUND POINT WELL #66	MOUND POINT	1314.0	TEXAS GAS TRANSMI
8253189	82-0375	1702321137		103		SL 50 #135 EH 84 RA SU	MOUND POINT	401.2	KAISER ALUMINUM &
-TEXAS GAS EXPLORATION CORP				RECEIVED:	09/03/82	JA: LA	EAST HACKBERRY	11.0	CAJUN ELECTRIC PO
8253106	82-0158	1705721826		102-4		H C MCNEIL #6			
8253105	82-0159	1705721826		102-4		H C MCNEIL #6-D	LAKE ENFERMER	182.5	LOUISIANA INTRAST
-TXO PRODUCTION CORP				RECEIVED:	09/03/82	JA: LA	LAKE ENFERMER	73.0	LOUISIANA INTRAST
8253104	82-0272	1701320524		103		BAKER "H" #1			
8253020	82-0680	1706120298		102-3		COOK "L" #1	WEST BRYCELAND	0.0	DELHI GAS PIPELIN
8253070	82-2965	1706120315		103		DONALD #1	WEST SIMSBORO	201.1	DELHI GAS PIPELIN
8253021	82-0679	1701320515		103		HAMNER #1	TREMONT	85.1	DELHI GAS PIPELIN
							ADA	171.6	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-UNION OIL COMPANY OF CALIF				RECEIVED: 09/03/82	JA: LA				
8253150	82-2964	1772620252		103		S L 3770 #9	BRETON SOUND BLOCK 53	1720.0	TEXAS EASTERN TRA
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-EL PASO NATURAL GAS COMPANY				RECEIVED: 09/01/82	JA: NM				
8252942		3003900000		108-PB		SAN JUAN 28-5 UNIT	BLANCO-MESA VERDE	0.0	EL PASO NATURAL G
8252943		3004500000		108-PB		SAN JUAN 32-9 UNIT	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
-HNG OIL COMPANY				RECEIVED: 09/01/82	JA: NM				
8252945		3001500000		103		OGDEN "8" COM #1	MALAGA WEST (ATOKA)	365.0	EL PASO NATURAL G
-MONUMENT RESOURCES				RECEIVED: 09/01/82	JA: NM				
8252961		3004100000		108		ANDERSON STATE #1	CHAVEROO	2.1	CITIES SERVICE CO
8252962		3004100000		108		ANDERSON STATE #2	CHAVEROO	2.1	CITIES SERVICE CO
8252960		3004100000		108		ANDERSON STATE #3	CHAVEROO	2.1	CITIES SERVICE CO
8252952		3004100000		108		ANDERSON STATE #4	CHAVEROO	2.1	CITIES SERVICE CO
8252963		3004100000		108		ANDERSON STATE #5	CHAVEROO	2.1	CITIES SERVICE CO
8252953		3004100000		108		ANDERSON STATE #7	CHAVEROO	2.1	CITIES SERVICE CO
8252954		3004100000		108		ANDERSON STATE #8	CHAVEROO	2.1	CITIES SERVICE CO
8252955		3004100000		108		ANDERSON STATE #9	CHAVEROO	2.1	CITIES SERVICE CO
8252958		3004100000		108		KMS #1	CHAVEROO	1.8	CITIES SERVICE CO
8252959		3004100000		108		KMS #2	CHAVEROO	1.8	CITIES SERVICE CO
8252956		3004100000		108		KMS #3	CHAVEROO	1.8	CITIES SERVICE CO
8252957		3004100000		108		KMS #4	CHAVEROO	1.8	CITIES SERVICE CO
8252946		3004100000		108		KMS #5	CHAVEROO	1.8	CITIES SERVICE CO
8252947		3004100000		108		TUCKER HALL #1	CHAVEROO	1.7	CITIES SERVICE CO
8252948		3004100000		108		TUCKER HALL #2	CHAVEROO	1.7	CITIES SERVICE CO
8252949		3004100000		108		TUCKER HALL #3	CHAVEROO	1.7	CITIES SERVICE CO
8252950		3004100000		108		TUCKER HALL #4	CHAVEROO	1.7	CITIES SERVICE CO
8252951		3004100000		108		TUCKER HALL #5	CHAVEROO	1.7	CITIES SERVICE CO
-MONUMENT RESOURCES				RECEIVED: 09/03/82	JA: NM				
8252939		3004100000		108		TUCKER #2	CHAVEROO	1.6	CITIES SERVICE CO
-MTS LTD PARTNERSHIP				RECEIVED: 09/01/82	JA: NM				
8252941		3000561379		102-3		MUDDY COM #1	PECOS SLOPE ABO	54.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 09/01/82	JA: NM				
8252940		3002522747		108		CHEM-STATE #3	TULK (WOLFCAMP)	2.0	WARREN PETROLEUM
8252944		3002527419		103		E VAC GB/SA UNIT TRACT 2416 #003	VACUUM GB/SA	0.2	EL PASO NATURAL G
OKLAHOMA CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY				RECEIVED: 09/01/82	JA: OK				
8252934	15916	3507620453		103		WELLS A 1-6	IRON CHAPEL	18.0	SUN GAS CO
-ANDOVER OIL COMPANY				RECEIVED: 09/01/82	JA: OK				
8252915	15819	3501722150		103		MCCARTHY #6-1		180.0	DELHI GAS PIPELIN
-BURK ROYALTY CO				RECEIVED: 09/01/82	JA: OK				
8252908	15654	3504520915		103		BITTMAN #1	MILDER	180.5	NORTHERN NATURAL
-CHARLES J. RICHARD				RECEIVED: 09/01/82	JA: OK				
8252938	15839	3505320443		103		BRAMLETT #1	RENFROW SOUTH	46.0	CRA INC
-CONOCO INC				RECEIVED: 09/01/82	JA: OK				
8252912	15771	3507300000		103		BETTY TRIPLETT #1	N E DUNLAP	34.7	PHILLIPS PETROLEU
-CONTINENTAL RESOURCES CORP				RECEIVED: 09/01/82	JA: OK				
8252918	15825	3509300000		103		HUTCHINSON #12-1	CAMPBELL	36.0	MICHIGAN-WISCONSI
-DLB ENERGY CORP				RECEIVED: 09/01/82	JA: OK				
8252930	16006	3507323360		103		VIRGINIA #15-16	SOONER TREND	0.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME		
-FRED HARRIS				RECEIVED:	09/01/82	JA: OK		
8252911	15769	3511720865		103		HEWITT #6		
-GRACE PETROLEUM CORPORATION				RECEIVED:	09/01/82	JA: OK		
8252910	15739	3509300000		103		LAW 2-1		
-HESTON OIL CO				RECEIVED:	09/01/82	JA: OK		
8252935	15902	3501721962		103		BELLMAN 1-1		
-HINKLE ENGINEERING INC				RECEIVED:	09/01/82	JA: OK		
8252931	16005	3507323297		103		FORMAN #1-29		
-INTERNORTH INC				RECEIVED:	09/01/82	JA: OK		
8252933	15917	3503920518		103		NEWCOMB 13 #1		
-KIRKPATRICK OIL CO				RECEIVED:	09/01/82	JA: OK		
8252932	16001	3507323486		103		HUFFMAN #3-30		
-L & N EXPLORATION INC				RECEIVED:	09/01/82	JA: OK		
8252914	15816	3508320486		103		TOWLE #1-13		
-MONSANTO COMPANY				RECEIVED:	09/01/82	JA: OK		
8252917	15821	3504321277		103		FOX #3		
-OXLEY PETROLEUM CO				RECEIVED:	09/01/82	JA: OK		
8252928	16008	3504921660		103		POPE #1		
-P-T LTD 81				RECEIVED:	09/01/82	JA: OK		
8252936	15901	3504722603		103		HUNTER 13-2		
-PETRO-LEWIS CORPORATION				RECEIVED:	09/01/82	JA: OK		
8252916	15820	3507323333		103		MERCER 20-2		
-SMITH LAND & MINERALS LTD				RECEIVED:	09/01/82	JA: OK		
8252909	15738	3505900000		103		DIES #1-2		
-SOUTHLAND ROYALTY CO				RECEIVED:	09/01/82	JA: OK		
8252927	19304	3509322136		102-4		WOODRING #3-31		
-STEVE JERNIGAN INC				RECEIVED:	09/01/82	JA: OK		
8252926	20076	3503920540		102-2		MCREYNOLDS #1-28		
-SUNRISE EXPLORATION INC				RECEIVED:	09/01/82	JA: OK		
8252929	16007	3508700000		103		HESTER 1-1A		
-TEXAS AMERICAN OIL CORP				RECEIVED:	09/01/82	JA: OK		
8252920	15831	3504722544		103		J R WOODSON #1		
8252921	15832	3504722545		103		VANDERWORK #1		
-TXO PRODUCTION CORP				RECEIVED:	09/01/82	JA: OK		
8252924	20456	3515120363		107-PE		GRAVES "C" #1		
8252923	20457	3515100000		107-PE		HULL #1		
8252925	20455	3515120336		107-PE		KROB #1		
-VULCAN ENERGY CORP				RECEIVED:	09/01/82	JA: OK		
8252937	15893	3500320857		103		GEIST #1		
-WALKER CORP				RECEIVED:	09/01/82	JA: OK		
8252919	15828	3501722003		103		STEGALL 16-1		
-WILLIAM J ZUHONE JR				RECEIVED:	09/01/82	JA: OK		
8252922	15836	3507121940		103		CLAYBAKER #1		
-WOODS PETROLEUM CORPORATION				RECEIVED:	09/01/82	JA: OK		
8252913	15773	3510321572		103		MISSISSIPPI CHAT "B" #3		
**********								
UTAH DIVISION OF OIL,GAS, & MINING								
**********								
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	09/01/82	JA: UT		
8252964	K-149-1	4304730944		102-2		TRAPP SPRINGS 8-36 STATE		
**********								
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY								
**********								
-MIDLANDS GAS CORPORATION				RECEIVED:	09/01/82	JA: MT	5	

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FIELD NAME	PROD	PURCHASER
LAUDERDALE	12.0	MID-AMERICA GAS L
CLEO SPRINGS	0.0	PIONEER GAS PRODU
PIEDMONT	0.0	PHILLIPS PETROLEU
SOONER TREND	88.0	
STAFFORD NORTHWEST	500.0	INTERNORTH INC
SOONER TREND	0.0	EXXON CO USA
S E ELK HORN	1.0	EASON OIL CO
	100.0	
SOUTH ANTIOCH	147.0	WARREN PETROLEUM
SOONER TREND	35.0	WELLHEAD ENTERPRI
SOONER TREND	100.0	PARTNERSHIP PROPE
NORTH LOVEDALE	0.0	DELHI GAS PIPELIN
ORION	30.0	PHILLIPS PETROLEU
NE CARPENTER	0.0	DELHI GAS PIPELIN
FLINT CREEK	175.0	
SOONER TREND	219.0	PANHANDLE EASTERN
SOONER TREND	21.9	PANHANDLE EASTERN
N W AVARD	200.0	DELHI GAS PIPELIN
N W AVARD	200.0	DELHI GAS PIPELIN
	200.0	DELHI GAS PIPELIN
SOONER TREND	80.3	AMINOIL USA INC
YUKON	146.0	PHILLIPS PETROLEU
UNNAMED	6.7	CORONADO TRANSMIS
E BILLING	22.0	ARCO OIL & GAS CO
TRAPP SPRINGS	910.0	PACIFIC GAS & ELE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8252969	M523-1	2507121601		108		2531 253331		17.0	KANSAS-NEBRASKA N
-PETROLEUM CORP OF AMERICA				RECEIVED:	09/01/82	JA: MT 5			
8252965	M 428-1	2510521161		108		FEDERAL 1-2706		19.0	KANSAS-NEBRASKA N
-SOUTHLAND ROYALTY CO				RECEIVED:	09/01/82	JA: MT 5			
8252982	M72-2	2507121746		102-2		FEDERAL 1860 #1	BOWDOIN DOME	35.0	KANSAS NEBRASKA N
-BELCO PETROLEUM CORPORATION				RECEIVED:	09/01/82	JA: ND 5			
8252970	ND551-1	3305300893		102-4		SHEEP CREEK FEDERAL 7-32	MISSION CANYON	49.3	KOCH OIL CO
-TENNECO OIL COMPANY				RECEIVED:	09/01/82	JA: ND 5			
8252997	ND97-2	3300700695		102-2		CHILDS U S A 2-28	ELKHORN RANCH	292.0	MONTANA-DAKOTA UT
8252971	ND596-1	3300700680		102-2		CHILDS 1-28	ELKHORN RANCH	127.0	MONTANA-DAKOTA UT
8252996	ND96-2	3300700690		102-2		GRAHAM USA 1-15	BUCKHORN BUTTE	65.0	MONTANA-DAKOTA UT
-AMOCO PRODUCTION CO				RECEIVED:	09/01/82	JA: WY 5			
8252975	W65-2	4900720527		103		WERTZ ABC UNIT #60 (DARWIN)	WERTZ - DARWIN	0.7	NORTHERN GAS CO
8252976	W66-2	4900720527		103		WERTZ ABC UNIT #60 (MADISON)	WERTZ - MADISON	0.7	NORTHERN GAS CO
-ARCO OIL AND GAS COMPANY				RECEIVED:	09/01/82	JA: WY 5			
8252999	W87-2	4901321108		103		ARCO TRIBAL #35	RIVERTON DOME	770.0	MONTANA-DAKOTA UT
-BELCO PETROLEUM CORPORATION				RECEIVED:	09/01/82	JA: WY 5			
8252992	W89-2	4903520593		103		BPMV 1-83	BIG PINEY MESAVERDE U	0.0	NORTHWEST PIPELIN
8252993	W90-2	4903520624		103		C 76--25	C-56 AREA (KMV)	0.0	NORTHWEST PIPELIN
-CHEVRON U S A INC				RECEIVED:	09/01/82	JA: WY 5			
8252981	W71-2	4904120289		107-DP		CHEVRON - AMOCO - FEDERAL 1-4H	WOODRUFF NARROWS	2.2	
-COTTON PETROLEUM CORPORATION				RECEIVED:	09/01/82	JA: WY 5			
8252995	W94-2	4900720495		107-TF		YATES-FEDERAL 28-1	WILDROSE	0.0	CITIES SERVICE GA
-DAVIS OIL COMPANY				RECEIVED:	09/01/82	JA: WY 5			
8252988	W81-2	4900525848		103		MARATHON FED #1	WILDCAT	88.4	MGPC INC
8252973	W63-2	4900526009		103		WILLIAM F TANNER FEDERAL #1	WILDCAT	28.8	PHILLIPS PETROLEU
-EXXON CORPORATION				RECEIVED:	09/01/82	JA: WY 5			
8252991	W88-2	4902320423		107-DP		ROAD HOLLOW UNIT #4	WILDCAT	2387.0	
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	09/01/82	JA: WY 5			
8252972	W9-2	4903721721		107-TF		GOODSTEIN FEDERAL #1-35	NITCHIE GULCH	192.0	
-GETTY OIL COMPANY				RECEIVED:	09/01/82	JA: WY 5			
8252994	W91-2	4900520698		108		RECLUSE FEDERAL #1	RECLUSE	9.0	ARCO OIL & GAS CO
8252998	W92-2	4900520697		108		RECLUSE FEDERAL #2	RECLUSE	6.0	ARCO OIL & GAS CO
-MARATHON OIL COMPANY				RECEIVED:	09/01/82	JA: WY 5			
*8252978	W68-2	4902920905		103		BASTON "B" #19 (EMBAR AND TENSLEEP)	OREGON BASIN	7.5	COLORADO INTERSTA
*8252979	W69-2	4902921082		103		CUSTER #36 (EMBAR AND TENSLEEP)	OREGON BASIN	19.6	COLORADO INTERSTA
*8252977	W67-2	4902921024		103		OSTLAND #2 (EMBAR AND TENSLEEP)	OREGON BASIN	5.0	COLORADO INTERSTA
-MARTIN EXPLORATION MGMT CORP				RECEIVED:	09/01/82	JA: WY 5			
8252989	W84-2	4903721951		102-2		FEDERAL #2-8	ROCK RIDGE UNIT	78.0	PANHANDLE EASTERN
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	09/01/82	JA: WY 5			
8252974	W64-2	4902320459		102-2		FEDERAL 2-19	FONTENELLE	280.0	PACIFIC GAS TRANS
8252990	W85-2	4902320450		103		NGC 41-1 FEDERAL	FONTENELLE	137.0	PACIFIC GAS TRANS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	09/01/82	JA: WY 5			
8252987	W79-2	4900526296		102-2		THUNDER CREEK FED K #3	SCHOOL CREEK	0.0	PANHANDLE EASTERN
8252983	W75-2	4900526275		102-2		THUNDER CREEK FED O #1	SCHOOL CREEK	52.2	PANHANDLE EASTERN
-SINCLAIR OIL CORPORATION				RECEIVED:	09/01/82	JA: WY 5			
8252986	W78-2	4900720390		102-2		HAMILTON FEDERAL #14-1	BLUE GAP	10.0	COLORADO INTERSTA
-SNYDER OIL CO				RECEIVED:	09/01/82	JA: WY 5			
8252985	W77-2	4900720647		107-TF		CIGE FEDERAL 1A-32-14-92	ROBBERS GULCH	420.0	NORTHWEST PIPELIN
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	09/01/82	JA: WY 5			
8252967	W 486-1	4903721312	D	107-TF		AMOCO FEDERAL #1-26	ECHO SPRINGS	300.0	COLORADO INTERSTA
8252968	W488-1	4900720442	D	107-TF		ECHO SPRINGS FEDERAL #1-34	ECHO SPRINGS	365.0	COLORADO INTERSTA
8252966	W 485-1	4900720440		107-TF		FAIR-FEDERAL #1-6	ECHO SPRINGS	151.0	COLORADO INTERSTA

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TRIGG DRILLING COMPANY INC				RECEIVED:	09/01/82	JA: WY 5			
8252980	W70-2	4901321102		103		TRIBAL TRIGG #1-5	EAST RIVERTON	0.0	MONTANA DAKOTA UT
-WEM JOINT VENTURE				RECEIVED:	09/01/82	JA: WY 5			
8252984	W76-2	4900926375		103		ARCO FEDERAL DALY #1	KITTY FIELD	50.0	ARCO OIL & GAS CO

OTHER PURCHASERS VOLUME NO :739

8252977	CODY GAS CO
8252978	CODY GAS CO
8252979	CODY GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MHCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New wall (2.5 mile rule)
102–3: New wall (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–CB: Geopressured brine
107–CB: Coal seams
107–DV: Dovonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper wall
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–26426 Filed 9–24–82; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

National Petroleum Council, Subcommittee on Enhanced Oil Recovery; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Subcommittee on Enhanced Oil Recovery, National Petroleum Council.

Date and Time: Tuesday, October 19, 1982,—10:00 a.m.

Place: The Madison Hotel, Mount Vernon Room, Fifteenth and M Streets, NW., Washington, D.C.

Contact: Gloria Decker, Information Management Systems Branch, U.S. Department of Energy, 1000 Independence Ave., SW., Forrestal Building, Room 4D–024, Washington, D.C. 20585; telephone: 202–252–8990.

Purpose of Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to the development of alternative fuels.

Tentative Agenda:

- Discuss study scope and plan in response to the Secretary of Energy's request to update the National Petroleum Council's 1976 Enhanced Oil Recovery report.
- Discuss and approve organizational structure and function of a coordinating subcommittee and task groups.
- Discuss study schedule and final report format.
- Discuss any other matters pertinent to the overall assignment from the Secretary.
- Public comments.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gloria Decker at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:00 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, DC, on September 22, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 82–26473 Filed 9–24–82; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Period of August 9 Through August 20, 1982

During the period of August 9 through August 20, 1982, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for refund in a Subpart V proceeding.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

With respect to the Proposed Refund Decision any person who wished to file comments should submit comments to the Office of Hearings and Appeals within 30 days of receipt of the proposed decision or the date of publication of this list, whichever is earlier.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 20, 1982.

National Helium Corp./Farmland Industries, Inc., Kansas City, Kans., RF3–1; National Helium Corp./Atlantic Richfield Co., Los Angeles, Calif., RF3–3; National Helium Corp./Controller, State of California, Washington, D.C., RF3–2.

Pursuant to 10 CFR Part 205, Subpart V, and in connection with a consent order between the DOE and the National Helium Corporation (NHC), Atlantic Richfield Company (ARCO) filed an Application for Refund. In its Application ARCO requested the entire $10 million paid to an escrow account by NHC, on the ground that ARCO was the only first purchaser of natural gas liquids from NHC during the period covered by the consent order. Farmland Industries, Inc. filed an Application for Refund, requesting a refund in proportion to its NGL purchases from ARCO. The controller of the State of California filed a refund request on behalf of end-users and consumers of NGLs both in California and other states.

In the Proposed Decision, the OHA upheld the principle that refunds made

to direct purchasers or downstream purchasers of petroleum products involved in a consent order must be measured by the extent of the injury which the claimants prove to have experienced as a result of the alleged overcharges. The OHA also stated that such a proof of injury is not necessary for consumers and farmers' cooperatives which will redistribute the refund received to end-users. The OHA compared the prices which NHC charged ARCO for NGL purchases during the consent order period, with national average prices of that period. The OHA found that, except during four quarters of the years 1978 and 1979, the NHC prices were lower than national average prices during the entire consent order period. This comparison indicates the ARCO was probabably injured by NHC's alleged price violations only during the four quarters in which NHC's prices exceeded the national average. On this basis, OHA concluded that ARCO should receive a refund of $387,989, an amount calculated to alleviate any injury which ARCO incurred as a result of the NHC's alleged price violations during the four quarter period.

The OHA found that Farmland, a farmers' cooperative association, is an appropriate conduit for redistributing the NHC Consent Order funds to end-users within that association who purchased NHC products. The OHA granted Farmland 13%, or $1,300,000, of the NHC Consent Order funds, an amount equal in proportion to the percentage of NHC products sold to Farmland through ARCO. The OHA directed Farmland to redistribute the refund monies to its member cooperatives according to their actual purchases. The remaining $8,312,011 of the NHC Consent Order fund will be distributed to the benefit of end-users and consumers. In this regard, the OHA required that the State of California develop procedures for the redistribution of the remaining monies to California and other states affected by NHC's sales during the consent order period.

[FR Doc. 26438 Filed 9-24-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Central of Illinois, Inc.*, Sterling, Illinois; to acquire 100 percent of the voting shares or assets of Mount Morris Bancshares, Inc., Mount Morris, Illinois and thereby indirectly acquire Citizens State Bank of Mount Morris, Mount Morris, Illinois. Comments on this application must be received not later than October 21, 1982.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Citizens Ban-Corporation*, Rock Port, Missouri; to acquire 80 percent of the voting shares or assets of the Kingston Bank, Kingston, Missouri and the Farmers Bank of Sheridan, Sheridan, Missouri. Comments on this application must be received not later than October 21, 1982.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Westex Bancorp, Inc.*, Del Rio, Texas; to acquire 100 percent of the voting shares or assets of Sutton County National Bank, Sonora, Texas. Comments on this application must be received not later than October 21, 1982.

Board of Governors of the Federal Reserve System, September 21, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-26420 Filed 9-24-82; 8:45 am]

BILLING CODE 6210-01-M

Banco do Brasil S. A.; Application To Establish Corporation To Do Business and To Establish Branches

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Banco Do Brasil Overseas Corporation, Washington, D.C. Banco Do Brasil Overseas Corporation would operate as a subsidiary of Banco Do Brasil, S.A., Brasilia, Brazil. Banco Do Brasil Overseas Corporation, Washington, D.C., has also applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish branches in Chicago, Illinois; Atlanta, Georgia; Houston and Dallas, Texas. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 21, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82-26419 Filed 9-24-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or

unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Correction

1. *Barclays Bank PLC* and *Barclays Bank International, Limited,* both of London, England, (consumer finance; Idaho, Kansas, Michigan, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, and Washington). This notice corrects a previous **Federal Register** document (FR Doc. 82–24699) that was published on page 39721 of the issue for September 9, 1982. The proposed activities would also be conducted from offices located in Corning, New York and Albany, Oregon. The city of Loring should be removed from the New York listing.

b. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *York Bancorp,* York, Pennsylvania (reinsurance activities; Pennsylvania): To engage through its subsidiary, Dickinson Life Insurance Company, in the underwriting, by reinsuring, credit life and credit health and accident insurance related to extensions of credit made by Applicant's subsidiary bank. These activities will be conducted from offices in Phoenix, Arizona serving southeastern Pennsylvania. Comments on this application must be received not later than October 21, 1982.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. **Dominion Bankshares Corporation,** Roanoke, Virginia (trust functions or activities; Virginia): To engage, through a subsidiary known as Dominion Trust Company in the following *de novo* activities: performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company. The aforementioned activities will be conducted from the following four locations: Roanoke, Winchester, Richmond, and Harrisonburg, Virginia. The proposed service area of the four offices will be the following areas of the State of Virginia: Roanoke SMSA, Richmond SMSA; the cities of Covington, Lexington, Buena Vista, Galax, Bedford, Harrisonburg, and Winchester; the counties of Allegheny, Rockbridge, Bedford, Giles, Wythe, Carroll, Grayson, Tazewell, Smyth, Russell, Wise, Rockingham, Augusta, and Frederick. Comments on this application must be received not later than October 20, 1982.

Board of Governors of the Federal Reserve System, September 21, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82–26418 Filed 9–24–82; 8:45 am]

BILLING CODE 6210–01–M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Forrest Bancshares, Inc.,* Forrest, Illinois; to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank of Forrest, Forrest, Illinois. Comments on this application must be received not later than October 21, 1982.

2. *Midwest Financial Group, Inc.,* Peoria, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Commercial National Corporation, Prospect National Bank of Peoria, and University National Bank of Peoria, all of Peoria, Illinois; Champaign Bancorp, Inc., and The First National Bank in Champaign, both of Champaign, Illinois; Illinois National Bancorp, Inc., and The Illinois National Bank of Springfield, both of Springfield, Illinois; and First Trust & Savings Bank of Kankakee, Kankakee, Illinois. Comments on this application must be received not later than October 21, 1982.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Midland BanCor, Inc.,* Lee's Summit, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of Midland Bank, Lee's Summit, Missouri. Comments on this application must be received not later than October 21, 1982.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Harbor Bancorp,* Long Beach, California; to become a bank holding company by acquiring 100 percent of the voting shares of Harbor Bank, Long Beach, California. Comments on this application must be received not later than October 21, 1982.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *W.L.T. Asian Holding Company Ltd.,* Hong Kong, B.C.C.; to become a bank holding company by acquiring 75 percent of the voting shares of Community National Bank and Trust Company of New York, Staten Island, New York. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Comments on this application must be received not later than October 21, 1982.

Board of Governors of the Federal Reserve System, September 21, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82–26421 Filed 9–24–82; 8:45 am]

BILLING CODE 6210–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the

Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General Antitrust advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Divisions of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
Exxon Corporation's proposed acquisition of certain assets of Tosco Corp.	June 11, 1982.
Baker International Corporation's proposed acquisition of all voting securities of Envirotech Corp.	Feb. 19, 1982.
L'Air Liquide, S.A.'s proposed acquisition of all voting securities of Cardox Corp.	Mar. 30, 1982.
The proposed acquisition of all voting securities of USA Petroleum Corp. and Oasis Petroleum Corp. by a corporation to be formed for purpose of the acquisition.	Mar. 3, 1982.
General Dynamics Corporation's proposed acquisition of all voting Securities of Chrysler Defense, Inc.	Mar. 5, 1982.
Wallace G. Wilkinson's proposed acquisition of certain assets of Occidental Petroleum Corp.	Mar. 24, 1982.
Baker International Corporation's acquisition of certain assets of Arjay Inc.	Mar. 28, 1982.
Rollins Leasing Corporation's proposed acquisition of all voting securities of ABC Truck Rental and Leasing Co.	Mar. 24, 1982.
Consolidated Foods Corporation's proposed acquisition of certain assets of International Telephone and Telegraph Corp.	Mar. 23, 1982.
Carl C. Icahn's proposed acquisition of certain voting securities of Marshall Field & Co.	Mar. 29, 1982.
Barlow Rand Limited's proposed acquisition of all voting securities of Monitor Sugar Co.	Apr. 9, 1982.
Oglethorpe Power Company's proposed acquisition of certain assets of Georgia Power Co.	June 10, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580; (202) 523–3894.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82–26494 Filed 9–24–82; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules; The Hanna Mining Company

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The Hanna Mining Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all the voting securities of Midland Southwest Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by The Hanna Mining Company. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 10, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 311, Federal Trade Commission, Washington, D.C. 20580; (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82–26493 Filed 9–24–82; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Social Services Block Grant Program, Federal Allotments to States for Expenditures for Fiscal Year 1982

AGENCY: Office of Program Coordination and Review, Office of Human Development Services, Department of Health and Human Services.

ACTION: Revised notification of allocation of Title XX—Social Service Block Grant Allotments for Fiscal Year 1982.

SUMMARY: Pub. L. 97–248, Enacted September 3, 1982, among other things, amended Section 1101(a) of the Social Security Act, as amended, (Act) to define the term State when used in Title XX to no longer include American Samoa and the Trust Territory of the Pacific Islands.

The Federal Allotments to States for Social Services under Section 2003 of the Act which were promulgated in Vol. 46, No. 216 of the **Federal Register,** page 55420 on November 9, 1981, included American Samoa and the Trust Territory of the Pacific Islands.

Accordingly, the promulgation contained in such document is rescinded, and the promulgation in Vol. 46, No. 172 of the **Federal Register,** page 44508 on September 4, 1981, is in effect.

EFFECTIVE DATE: October 1, 1981.

Dated: September 16, 1982.

Teresa Hawkes,

Director, Office of Program Coordination and Review.

Approved: September 22, 1982.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 82–26487 Filed 9–24–82; 8:45 am]

BILLING CODE 4130–01–M

National Institutes of Health

Allergy, Immunology, and Transplantation Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Allergy, Immunology, and Transplantation Research Committee, National Institute of Allergy and Infectious Diseases, on October 28–29, 1982, at the Holiday Inn, Chevy Chase, Maryland. The meeting will be open to the public from 8:30 a.m. to 9:30 a.m. for review of policies and procedures and routine business of the committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Allergy, Immunology, and Transplantation Research Committee will be closed to the public for review, evaluation, and discussion of individual grant applications from 9:30 a.m. until 6:00 p.m. on October 28 and from 8:30 a.m. until adjournment on October 29.

These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Nirmal K. Das, Executive Secretary, Allergy, Immunology and Transplantation Research Committee, NIAID, NIH, Westwood Building, Room 706, Bethesda, Maryland 20205, telephone (301) 496–7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Sections 8(b) (4) and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Office.

[FR Doc. 82–26444 filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

Animal Resources Review Committee, Subcommittee on Animal Resources; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Subcommittee on Animal Resources, Animal Resources Review Committee, Division of Research Resources, November 4, 1982, Conference Room 4, Building 31, National Institutes of Health, Bethesda, Maryland, 20205.

The meeting will be open to the public on November 4 from approximately 2:00 p.m. to adjournment for a brief staff presentation on the current status of the Animal Resources Program and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 4 from 8:30 a.m. to approximately 2:00 p.m. for the review, discussion and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Laboratory Animal Sciences, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26440 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

Animal Resources Review Committee, Subcommittee on Primate Research Centers; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Subcommittee On Primate Research Centers, Animal Resources Review Committee, Division of Research Resources, on October 20, 1982, in the conference room at the Delta Regional Primate Research Center, Covington, Louisiana 70433.

The meeting will be open to the public from approximately 1:00 p.m., until approximately 2:00 p.m., for a staff presentation on the current status of the Animal Resources Program, and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 2:00 p.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B10, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Primate Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95, because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–28452 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

Biotechnology Resources Review Committee; Conference Call Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the conference call meeting of the Biotechnology Resources Review Committee, Division of Research Resources, on October 5, 1982, in Building 31, Room 5B39, National Institutes of Health, Bethesda, Maryland 20205 from approximately 1:00 p.m. until adjournment.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for the review, discussion, and evaluation of a PROPHET prospectus. The prospectus and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the prospectus, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Bldg. 31, Rm. 5B–13, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301 496–5545, will provide summaries of

meetings and rosters of committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Review Committee, Division of Research Resources, Bldg. 31, Rm. 5B–41, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301 496–541, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, Biotechnology Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26450 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors, NIA; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, November 8–10, 1982, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on Monday and Tuesday, November 8 and 9, and, from 9:00 a.m. until 1:30 p.m. on Wednesday, Novermber 10. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 10, from 1:30 p.m. until adjournment for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, NIA, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA Building 31, Room 2C–05, National Institutes of Health, Bethesda, Maryland 20205, (telephone: 301/496–5898) will provide a summary of the meeting and a roster of committee members. Dr. Richard C. Greulich, Scientific Director, NIA, Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland 21224, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: September 20, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26443 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, October 31, 1982, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20814. On November 1–3, 1982, the meeting will be held at Wilson Hall, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public on October 31, 1982, from 8:00 p.m. to approximately 9:00 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendence by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 31 from approximately 9:00 p.m. to recess and will convene again on November 1 beginning at 8:30 a.m. to adjournment on November 3, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Therefore, this meeting is concerned with matters exempt from mandatory disclosure under Section 552b(c)(6) of Title 5, United States Code.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland, 20205, Building 31, Room 4A–21, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Contracts, Clinial Trials and Training Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26442 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research Programs Advisory Committee, Subcommittee on Dental Caries; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Subcommittee on Dental Caries, National Institute of Dental Research Programs Advisory Committee, November 30–December 1, 1982, in Conference Room 7, Building 31–C, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. November 30, and from 9:00 a.m. to adjournment December 1, to discuss research progress and ongoing plans and programs of the National Caries Program. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, MD 20205, (phone 301–496–7239) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13,840, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: September 10, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26541 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research

Resources, November 18–19, 1982 at the National Institutes of Health. The meeting will be held in Conference Room 9, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on November 18, 1982, to discuss policy matters relating to the Minority Biomedical Research Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 18, 1982, from approximately 1:30 p.m. to 5:00 p.m. and on November 19, from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Research Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B10, Bethesda, Maryland 20205, telephone (301) 496–5545, will provide summaries of meeting and rosters of committee members. Dr. Sidney A. McNairy, Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B29, Bethesda, Maryland 20205, telephone (301) 496–6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, Minority Biomedical Research Support Program, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26441 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

Microbiology and Infectious Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, October 14, 1982, at the National Institutes of Health, Building 31C, Conference Room 9, Bethesda, Maryland 20205.

The meeting will be open to the public from 8:30 a.m. to approximately 9:30 a.m. for discussion of site visit policy; review of policies and procedures; and routine business of the Committee and again from 2:00 p.m. to 4:00 p.m. for discussion of the International Collaboration in Infectious Diseases Research (ICIDR) Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Committee will be closed to the public for the review, evaluation, and discussion of individual grant applications and contract proposals. It is anticipated that this will occur from 9:30 a.m.until 2:00 p.m.

These applications, proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications and proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Marlyand 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Committee members as required.

Dr. Susan B. Spring, Executive Secretary, Microbiology and Infectious Diseases Advisory Committee, NIAID, NIH, Westwood Building, Room 706, telephone (301) 496–7465, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Sections 8(b)(4) and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26449 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

NIDR Special Grants Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, November 17–18, 1982, in Conference Room 9, Building 31–C, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to 9:30 a.m. November 17, 1982, for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. November 17 to adjournment November 18 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. H. George Hausch, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20205, (telephone 301 496–7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840—Caries Research, 13.841—Periodontal Diseases Research, 13.842—Craniofacial Anomalies Research, 13.843—Restorative Materials Research, 13.844—Pain Control and Behavioral Studies, 13.845—Dental Research Institutes, 13.878—Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A95 because they fit the description of "programs not considered appropriate" in section 8(b)(4)and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26445 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Neurological and Communicative Disorders and Stroke Council and the Planning Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, October 22 and 23, 1982, at 9:00 a.m. in Building 31–C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. In addition, a meeting of the Planning Subcommittee

of the above Council will be held on October 20, 1982, at 1:00 p.m. to approximately 5:30 p.m. and on October 21 from 9:00 a.m. to approximately 5:00 p.m. in Building 31, Room 8A28, National Institutes of Health, Bethesda, Maryland 20205.

The meeting of the full Council will be open to the public from 9:00 a.m. until approximately 11:30 a.m. on October 22, 1982, and from 8:30 a.m. to approximately 9:30 a.m. on October 23, 1982, to discuss administration, management and special reports. The meeting of the Planning Subcommittee will be open from 1:00 p.m. to approximately 5:30 on October 20 and from 9:00 a.m. to approximately 3:00 p.m. on October 21, 1982 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4), and 552b(c)(6) of Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the Advisory Council meeting will be closed to the public from approximately 11:30 a.m. on October 22, 1982, until the conclusion of the meeting that day, and from 9:30 a.m. until adjournment on October 23, 1982, for review, discussion and evaluation of Research Grant applications and applications for Teacher Investigator Awards, Research Career Development Awards, and Institutional National Research Service Awards. The meeting of the Planning Subcommittee will be closed from approximately 3:00 p.m. to adjournment on October 21, 1982, also for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, NIH, NINCDS, Bethesda, Maryland 20205, telephone (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496–9248, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program; No. 13.852, Neurological Disorders Program; No. 13.853, Stroke and Nervous System Trauma; No. 13.854, Fundamental Neurosciences Program, National Institutes of Health.)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26447 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Research Resources Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Nation Advisory Research Resources Council, Division of Research Resources (DRR), October 12–13, 1982, Conference Room 6, Bldg. 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The meeting will convene in open session on October 12, at 8:45 a.m., for opening remarks by the Director, DRR, greetings from the Director, NIH, a talk on Animal Welfare Issues by Dr. Andrew N. Rowan, Associate Director, Institute for the Study of Animal Problems, Humane Society of the United States, reports by the DRR Program Directors, a budget presentation by the Action Executive Officer, DRR, a report by the Director, DRR, and an update of the DRR Five-Year Plan. The meeting will continue as follows, in open session, from approximately 1:00 p.m. to 3:30 p.m.: Animal Resources Program Work Group, Rm. 9A51; Biomedical Research Support Program Work Group, Rm. 5B03; Biotechnology Resources Program Work Group, Rm. 8A28; General Clinical Research Centers Program Work Group, Rm 2A52; and Minority Biomedical Research Support Program Work Group, Conference Room 6. The meeting will reconvene, in open session, in Conference Room 6, on October 13, from 8:30 a.m. to approximately 10:30 a.m., for a Report on the Legislative Assignment by the Executive Officer, DRR, and Program Work Group reports and recommendations to the full Council for discussion and action. Attendance will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6) Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 12, from approximately 3:30 p.m. to recess, and on October 13, from approximately 10:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Janes Augustine, Information Officer, Division of Research Resources, Rm. 5B10, Bldg. 31, National Institutes of Health, Bethesda, MD 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Acting Director, Division of Reserach Resources, Rm. 5B03, Bldg. 31, National Institutes of Health, Bethesda, MD 20205, (301) 496–6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Research Support, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26446 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Advisory Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Insititute, November 22–23, 1982, at the National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. on November 22 to 5:00 p.m. and approximately 10:30 a.m. on November 23 until adjournment for the discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Council will be closed to the public on November 23 from 8:30 a.m. to approximately 10:30 a.m. for the review, discussion, and evaluation of individual grant applications. These

applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the Council members.

Dr. Jerome G. Green, Executive Secretary of the Council, Westwood Building, Room 7A–17, (301) 496–7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular)

Dated: September 15, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82–26448 Filed 9–24–82; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–82–1168]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OBM Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410; telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OBM

Proposal: Annual Housing Survey—SMSA Sample Group BB–2.

Office: Policy Development and Research.

Form No.: AHS–51, AHS–52, AHS–54–L1, AHS–54–L2, AHS–54(Sp), AHS–56(L).

Frequency of Submission: Every 3 or 4 Years.

Affected Public: Households in 13 SMSA's.

Estimated Burden Hours: 32, 980.

Status: Revision.

Contact: Duane T. McGough, HUD, (202) 755–5060 or Robert Neal, OBM, (202) 395–6880.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: September 20, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82–26491 Filed 9–24–82; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–82–1167]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410; telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Negotiated FHA Interest Rate Program.
Office: Housing.
Form No.: HUD–9722 and HUD–9723.
Frequency of Submission: On Occasion.
Affected Public: Businesses or Other Institutions (except farms).
Estimated Burden Hours: 25,000.
Status: Extension.
Contact: Arnold H. Diamond, HUD, (202) 426–4325 or Robert Neal, OMB, (202) 395–6880.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: September 9, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Request for Determination of Eligibility as Nonprofit Sponsor and/or Mortgagor.
Office: Housing.
Form No.: FHA–3433.
Frequency of Submission: On Occasion.
Affected Public: Businesses or Other Institutions (except farms).
Estimated Burden Hours: 2,000.
Status: Extension.
Contact: Frank Brown, HUD, (202) 755–5720 or Robert Neal, OMB, (202) 395–6880.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: September 9, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-26492 Filed 9-24-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Pyramid Lake Paiute Tribe; Plan for the Use and Distribution of Pyramid Lake Paiute Tribe Judgment Funds in Dockets 343–70 and 87–C Before the United States Court of Claims

September 14, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use of distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on August 27, 1981, and on December 4, 1981, in satisfaction of the awards granted to the Pyramid Lake Paiute Tribe in United States Court of Claims Dockets 343–70 and 87–C, respectively. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated May 24, 1982, and was received (as recorded in the Congressional Record) by the House of Representatives on May 25, 1982, and by the Senate on June 14, 1982. The plan became effective on August 19, 1982, as provided by section 5 of the 1973 Act.

The plan reads as follows:

"The funds appropriated on August 27, 1981, and on December 4, 1981, in satisfaction of the respective awards in Docket 343–70 and Docket 87–C granted to the Pyramid Lake Paiute Tribe before the United States Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be utilized as herein provided.

Per Capita Payment Aspect

"The Pyramid Lake Paiute Tribe's latest approved membership roll shall be brought current to include all eligible members born on or prior to and living on the effective date of this plan. Subsequent to the preparation and approval of the membership roll, the Secretary of the Interior (hereinafter 'Secretary') shall make a per capita distribution of eighty (80) percent of the funds, in sums as equal as possible, to each tribal enrollee.

"The per capita shares of living competent adults shall be paid directly to them. Shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR Part 4, Subpart D. Shares of legal incompetents shall be handled in accordance with 25 CFR 115.5. Shares of minors shall be handled in accordance with 25 CFR 87.10 (a) and (b)(1) and 115.4.

Programing Aspect

"Twenty (20) percent of the funds, and any amounts remaining after the per capita payment provided above, shall be invested by the Secretary, and the principal and interest and investment income accrued shall be utilized by the tribal governing body, on an annual budgetary basis subject to the approval of the Secretary, for tribal administration and social and economic programs. None of the funds distributed per capita or made available under this plan for programing shall be subject to Federal, State or local income taxes or be considered income or resources under the Social Security Act."

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 82-26436 Filed 9-24-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Minnesota; Availability of Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of the Bureau of Land Management's management framework plan for public lands in Minnesota.

Notice is hereby given that a summary of the Bureau of Land Management's (BLM) Management Framework Plan for BLM-administered lands in Minnesota is now available.

The Management Framework Plan (MFP) for Minnesota considers the management of 1,193 islands, along with upland tracts totaling 45,344 acres.

The MFP includes the decision to transfer 81 islands and one upland tract to the National Park Service. These lands are in Voyageur's National Park and the Lower St. Croix National Scenic Riverway. The plan also includes decisions to consider applications from State and local government agencies for the remaining islands, as well as a small number of the upland tracts presently under BLM jurisdiction. Ten other upland tracts will be offered for public sale, and 129 upland tracts (totaling 33,425 acres) will be retained for use by other Federal agencies as an exchange base. Those lands not identified for exchange will be made available for public sale. Attempts will be made to exchange these lands for local government lands or privately-owned lands lying within the National Forests and Parks in Minnesota.

The State of Minnesota may receive the majority (1,055) of the islands, as well as some upland tracts. The State will include the islands and upland tracts in Wildlife Management Areas, parks, Scientific and Natural Areas, Wild and Scenic Rivers, Boating and Canoeing Rivers, and Public Access Sites. Local governments and agencies that may receive BLM-administered lands are: The Hennepin County Park Reserve District; the City of Shakopee; and Waseca, Aitkin, Blue Earth, and Itasca Counties.

The MFP also calls for the retention of 1,732,665 acres of Federal mineral ownership (FMO) in cases of potentially

valuable minerals, and recommends that BLM continue efforts to gain authority to lease hardrock minerals on the Public Domain. FMO without development potential could be transferred to the surface owner or administrator after a geologic investigation.

Copies of the summary of the MFP are available from the Bureau of Land Management, Duluth Field Office, 125 Federal Building, Duluth, Minnesota 55802. Telephone number: (218) 727–6692, ext. 378.

G. Curtis Jones, Jr.,

Eastern States Director.

[FR Doc. 82–26439 Filed 9–24–82; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–08927]

Idaho; Partial Termination of Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 82–24710 appearing on page 39722 in the issue for Thursday, September 9, 1982, third column, the legal description for Meadow Creek Streamside Zone and Recreation Area (unsurveyed) should read as follows:

T. 31 N., R. 9 E.
Sec. 11, NW¼, SW¼, SE¼;
Sec. 14, E½.

BILLING CODE 1505–01–M

Utah; Grazing Management Program for Ashley Creek Planning Area

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of availability of final environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and a 1975 Federal Court ruling, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the Ashley Creek rangeland management program in Duchesne, Uintah, and a small portion of Carbon County

The Final EIS is an abbreviated edition to be used with the Draft EIS; the EIS examines five alternative management programs: (1) Proposed Action—Multiple Use Recommendation, (2) Livestock Forage Recommendation, (3) No Action—Active Preference, (4) No Change—Average Use, and (5) Wildlife Habitat Recommendation. The objective of the alternatives is to provide land use management on the basis of multiple use long-term sustained yield of the natural resources on 527,974 acres of public land.

The alternatives examine proposed levels of grazing use ranging from 20,684 to 39,306 animal unit (AUMs) for livestock and from 10,454 AUMs short-term use to 20,767 AUMs long-term use for big game. Varying levels of vegetation manipulation and management would accompany the proposed levels of forage use.

Copies of the Final EIS are available from the Vernal District BLM Office at 170 South 500 East, Vernal, Utah 84078, or the Richfield District BLM Office at 150 East 900 North, Richfield, Utah 84701. Public reading copies of the Final EIS will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street NW., Washington, D.C.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah

Decisions on the grazing management program will not be made until at least 30 days after the Final EIS is published. Written comments on the Final EIS may be submitted to be considered in the decision-making process during that 30-day period to the Vernal District Manager at the above-mentioned address by November 1, 1982.

Dated: September 1, 1982.

Roland G. Robison,

State Director.

[FR Doc. 82–26416 Filed 9–24–82; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Reclamation

Colorado River Basin Salinity Control Advisory Council; Public Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463)), announcement is made of a meeting of the Colorado River Basin Salinity Control Advisory Council at 1 p.m. on October 19, 1982, at the Hotel Bahia, 998 West Mission Bay Drive, San Diego, California 92109.

Purpose of Meeting

Council members will be briefed on the status of salinity control activities and receive input for drafting the Council's annual report.

Proposed Agenda

The Bureau of Reclamation, Soil Conservation Service, Bureau of Land Managment, and Environmental Protection Agency will each present a progress report and schedule of activities on salinity control in the Colorado River Basin. The Council will discuss Colorado River Basin Salinity Control activities and the content of its annual report.

Public Participation

The meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting in person or by mail. To the extent that time permits, the Council chairman may allow public presentation of oral statements at the meeting.

All communications regarding this meeting, including requests for time to make statements, should be addressed to Mr. Fred T. Krauss, Acting Chief, Colorado River Water Quality Office, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Denver, Colorado 80225.

Dated: September 20, 1982.

Jed D. Christensen,

Acting Commissioner of Reclamation.

[FR Doc. 82–26417 Filed 9–24–82; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Fourth Regular Meeting; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; correction.

SUMMARY: This document corrects a notice publishing the time, place, and provisional agenda for the fourth regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora that appeared at pages 34043 through 34048 in the **Federal Register** of Thursday, August 5, 1982, (47 FR 34043). The action is necessary to correct errors made in the original document which omitted certain material.

DATES: The Service will consider information and comments concerning the provisional agenda received by October 31, 1982.

ADDRESSES: Information and Comments should be sent to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240. Information and comments are open to public inspection from 8:00 a.m. to 4:15 p.m. weekdays, except holidays, at the Federal Wildlife Permit Office, located at 1000 North Glebe Road, Room 620, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235–2418.

The following corrections are made in FR Doc. 82–21047 which appears at pages 34043 through 34048 in the issue of August 5, 1982.

1. On page 34045 at the bottom of the second column, renumber paragraph 6 as paragraph 7, and insert immediately before paragraph 7 the following paragraph:

6. Trade in African elephant ivory—A draft TEC resolution proposes that all raw and worked ivory weighing 2.2 pounds or less, with the exception of whole tusks, be considered not readily recognizable (hence not controlled by CITES).

2. On page 34045 in the third column, at the end of item 8, add the following paragraph to item 8:

A draft TEC resolution proposes that confiscated Appendix II specimens be disposed of in a manner benefitting enforcement and that steps be taken to avoid the "person responsible" receiving financial or other gain from the disposal; that in the case of live specimens, the "guilty importer and/or airline" meet the costs of confiscation, custody, and return (if appropriate); and that if return costs are not so met, financial assistance from nongovernmental organizations be sought.

Dated: September 17, 1982.

F. Eugene Hester,

Acting Director, Fish and Wildlife Service.

[FR Doc. 82–26471 Filed 9–24–82; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby give that Texoma Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 2950 and 2951, Blocks 148 and 151, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 10, 1982.

John L. Rankin,

Acting Minerals Manager Gulf of Mexico OCS Region.

[FR Doc. 82–26415 Filed 9–24–82; 8:45 am]

BILLING CODE 4310–31–M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of availability of findings of no significant impact (FONSI) addressing environmental assessments (EAs) for development of three abandoned mine land projects under the State of Pennsylvania Reclamation Plan.

SUMMARY: OSM has prepard EAs on projects submitted in the Federal Grant Application from the State of Pennsylvania to the Office of Surface Mining.

A FONSI has been made on the three reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1234.

ADDRESS: Copies of the EAs and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:00 p.m.: Office of Surface Mining Reclamation and Enforcement, Pennsylvania State Office, 100 Chestnut Street, Suite 300, Harrisburg, Pennsylvania 17101.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Biggi, State Director, Office of Surface Mining, Telephone: (717) 782–4036.

Reclamation projects included in FONSI, location and description:

1. Plymouth Borough—West,
   Plymouth Borough, Luzerne County,
   Backfill an abandoned underground coal mine.
2. Baldwin Borough,
   Baldwin Borough, Allegheny County,
   Perform a number of core drillings to examine the subsurface strata of an abandoned coal mine to determine the extent of the underground workings.
3. Carbondale—Phase I,
   City of Carbondale, Lackawanna County,
   Backfill an abandoned underground coal mine.

Dated: September 21, 1982.

William B. Schmidt,

Director, Office of Surface Mining.

[FR Doc. 82–26470 Filed 9–24–82; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-273)]

Atchison, Topeka and Santa Fe Railway Co.; Exemption for Contract Tariff ICC–ATSF–C–0122 (Grain)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exempton is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278).

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its

own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 20, 1982.

By the Commission, Review Board No. 3, Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-26478 Filed 9-24-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-272)]

Atchison, Topeka and Santa Fe Railway Co.; Exemption for Contract Tariff ICC-ATSF-C-0125 (Grain)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 21, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing (Member Williams not participating).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-26479 Filed 9-24-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-269)]

Atchison, Topeka and Santa Fe Railway Co.; Exemption for Contract Tariff ICC-ATSF-C-0052 (Canned Goods)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commision is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 20, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-26482 Filed 9-24-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-274)]

Atchison, Topeka and Santa Fe Railway Co.; Exemption for Contract Tariff ICC-ATSF-C-0014, Amendment (Grain via the Ports of Galveston, Houston, Beaumont, and Texas City, TX)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 20, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier (Board Member Parker not participating).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-26485 Filed 9-24-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-268)]

Louisville and Nashville Railroad Co.; Exemption for Contract Tariff ICC-LN-C-0037 (Grain via the Ports of Chicago, IL, E. St. Louis, IL, Mt. Vernon, IN, Evansville, IN)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 21, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing (Member Williams not participating).

Agatha L Mergenovich,

Secretary.

[FR Doc. 82-26483 Filed 9-24-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-271)]

McCloud River Railroad; Exemption for Contract Tariff ICC-MR-C-003 (Lumber)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 20, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier (Board Member Parker not participating).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-26480 Filed 9-24-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-267)]

Missouri Pacific Railroad Co.; Exemption for Contract Tariffs ICC-MP-C-0073, 0081, 0082, 0091, 0092, 0093, 0094, 0095, 0096, 0097, 0098, 0099, 0101, 0102, 0108, 0111, and 0114 (Canned or Preserved Foodstuffs)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariffs may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 20, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier (Board Member Parker not participating).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-26477 Filed 9-24-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-266)]

Missouri Pacific Railroad Co.; Exemption for Contract Tariff ICC-MP-C-0046 (Soda Ash)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 20, 1982.

By the Commission, Review Board No. 3, Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-26484 Filed 9-24-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-270)]

Seaboard Coast Line Railroad Co.; Exemption for Contract Tariff ICC-SCL-C-0041 (Superphosphate)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10105(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: September 20, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier (Board Member Parker not participating).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-26481 Filed 9-24-82; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-203

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1-40TA), filed September 13, 1982. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East-West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* Irregular routes: *Personal safety equipment, including respirators, hearing protection devices, eye wear and hard hats, and lenses and frames for glasses,* between Southbridge, MA, on the one hand, and, on the other, San Francisco, CA, under continuing contract(s) with American Optical Co., Southbridge, MA. Supporting shipper: American Optical Co., Box 1979, Southbridge, MA 01550.

MC 97447 (Sub-1-1TA), filed September 15, 1982. Applicant: BRAINERD A. BROWN, 233 Woodlawn Road, Berlin, CT 06037 Representative: John E. Fay, 663 Maple Avenue, Hartford, CT 06114. *General commodities (except classes A and B explosives household goods, and commodities in bulk),* between points in CT, on the one hand, and, on the other, points in MA, RI, and NY. Supporting shipper(s): Jewelers Shipping Association, 125 Carlsbad Street, Cranston, RI; The Stanley Works, 195 Lake Street, New Britain, CT 06050; Keeney Manufacturing Co., Main Street, Newington, CT 06111.

MC 153032 (Sub-1-2TA), filed September 7, 1982. Applicant: ROBERT A. DIEDERICH, JR. d.b.a. DIEDERICH TRUCKING CO., 4058 Walden Avenue, P.O. Box 96, Lancaster, NY 14086. Representative: William J. Hirsch P.C., 64 Niagara Street, Buffalo, NY 14202. *(1) Pet foods, and materials, supplies and equipment used in the manufacture thereof,* from Buffalo, NY, to Windsor Locks and New Haven, CT; Portland and S. Gardiner, ME; Manchester and Keene, NH; Carlstadt and Elizabeth, NJ; Cleveland, Columbus and Akron, OH; Andover E. Bridgewater and Northboro, MA; Pittsburgh, York, and Temple, PA; E. Providence and Cumberland, RI; White River Junction, St. Johnsbury and Brattleboro, VT; and empty pallets on

return; *(2) Scrap paper and waste paper,* from Newark and Somerset, NJ; Scranton, Berwick, Mt. Joy and Norristown, PA; Niles and Columbus, OH; Boston, MA; New Haven, CT; Parkersburg, WV; Detroit, MI; to Buffalo and Niagara Falls, NY; *(3) Jams, jellies, syrups and supplies and equipment used in the manufacture thereof,* from Buffalo, NY, on the one hand, and, on the other, Detroit, MI; Hartford, CT; Baltimore, MD; Providence, RI; Tulsa, OK; Newark NJ; Rymersburg and Philadelphia, PA; Neenah, WI; Cincinnati and Worthington, OH; Champaign and Peoria, IL; Atlanta, GA; and points in FL and MA; *(4) Candy, tobacco, cookies, health and beauty aids, and sundries,* between Buffalo, NY on the one hand and, on the other, points in AR, CO, IL, IN, IA, KY, MA, MN, MO, NJ, NE, OH, OK, PA, SD, TX, TN, WI, and WY. Supporting shipper(s): A & R Pet Food Co., Inc., P.O. Box 186, Buffalo, NY 14240; Ramcol Fibers Inc., 374 Delaware Ave., Buffalo, NY 14202; Henry & Henry, Inc., 1200 Northland Ave., Buffalo, NY 14240; Tzetzo Bros. Inc., 1100 Military Road, Buffalo, NY 14217.

MC 163813 (Sub-1–1TA), filed September 13, 1982. Applicant: ESPOSITO'S WORLDWIDE TRAVEL, 500 Foxon Road, East Haven, CT 06513. Representative: Francis Capone (same as applicant). *Passengers and their baggage, in special and charter operations,* beginning and ending at points in New Haven County, CT and extending to points in MA, NY, NJ, and RI. Supporting shipper: New Haven Ambulance Service, Inc., 90 Goffe Street, New Haven, CT 06511.

MC 163861 (Sub-1–1TA), filed September 15, 1982. Applicant: G & G HAULILNG AND RIGGING, INC., 1066 Sheridan Drive, Tonawanda, NY 14150. Representative: Robert D. Gunderman, P.C., Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Iron and steel products, and machinery and equipment,* between points in Erie and Niagara Counties, NY, Chippewa and Macomb Counties, MI and Worcester County, MA, on the one hand, and, on the other, points in AL, CA, FL, IL, IN, LA, MI, MN, MS, PA, SC, TN, VA, and WA. Supporting shipper(s): Blue Giant Equipment Corporation of 310 Creekside Drive, Tonawanda, NY 14150; Gilbralter Steel, 635 South Park Avenue, Buffalo, NY 14240; Morgan Construction Company, 15 Belmont Street, Worcester, MA 01605.

MC 150686 (Sub-1–2TA), filed September 8, 1982. Applicant: ELTON M. HARVEY TRUCKING, INC., 19 Edgeboro Road, East Brunswick, NJ 08816. Representative: Henry J. Capro, Esq., Capro & Hilliard, Esqs., 1585 Morris Avenue, Union, NJ 07083. *Steel generating parts, steel boiler drums, steel boiler headers, and iron and steel articles* between NY, PA, NV, UT, CO, NE, and WY. Applicant intends to tack to present docket. Supporting shipper: Foster Wheeler Energy Corporation, 110 South Orange Ave., Livingston, NJ.

MC 151193 (Sub-1–35TA), filed September 14, 1982. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant). *Contract carrier:* irregular routes: *Food and related products, and equipment, materials, and supplies used in the manufacture, sale and distribution of such commodities (except in bulk),* between points in FL, MD, NJ, NY, PA, GA and VA, under continuing contract(s) with Tropic Ice, Inc. Supporting shipper: Tropic Ice, Inc., 16330 N.W. 48th Ave., Hialeah, FL 33014.

MC 151193 (Sub-1–34TA) (republication), filed August 23, 1982. Applicant: PAULS TRUCKING CORP., 286 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant). *Contract carrier:* irregular routes: *Freight normally found in retail, wholesale chain grocery stores, discount department stores and drug stores* from points in IL to points in CO, KS, MO, MN and NB, under continuing contract(s) with Allied Shippers and Receivers Association of Chicago, IL. Supporting shipper: Allied Shippers and Receivers Association, 3333 W. Thirty-Sixth Street, Chicago, IL 60632. Sole purpose of this republication is to amend point of origin to IL instead of FL as previously published.

MC 157563 (Sub-1–1TA), filed September 15, 1982. Applicant: R.P.M.S. TRUCKING, 3 Amherst Road, South Hadley, MA 01075. Representative: Patrick A. Doyle, Esq., 40 Sky Ridge Lane, Springfield, MA 01128. *Food and related products* between MA, ME, VT, NH, CT, RI, NJ, NY, PA, DE, MD, DC, GA, FL and CA. Supporting shipper: David B. Calkins, 112 Hadley Village Road, South Hadley, MA.

MC 162209 (Sub-1–1TA), filed September 14, 1982. Applicant: STERLING TRANSPORT, INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon, Esq. (same as applicant). *Contract carrier:* Irregular routes: *Drugs, medicines and toilet preparations* between the facilities of Carter Wallace, Mercer County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Carter Wallace, Inc., Cranbury, NJ. Supporting shipper: Carter Wallace, Inc., P.O. Box 1, Cranbury, NJ 08512.

MC 156384 (Sub-1–3TA), filed September 15, 1982. Applicant: TRANSPO, INCORPORATED, 9 Mill Plain Road, Danbury, CT 06810. Representative: Sidney J. Leshin, Esq., 3 East 54th Street, New York, NY 10022. *Contract carrier:* Irregular routes: *Passengers and their baggage,* beginning and ending at New Haven and Litchfield Counties, CT, and extending to all points in the U.S., under continuing contract(s) with Gad About Tour & Travel, Inc., Middlebury, CT. Supporting shipper: Gad About Tour & Travel, Inc., 59 Dorothy Drive, Middlebury, CT 06762.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 154861 (Sub-3–10TA), filed September 14, 1982. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, 915 Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004. *Transportation equipment, and materials and supplies used in the manufacture and distribution thereof,* between points in Gaston County, NC, and Dillon County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Wix Corporation, P.O. Box 1967, Gastonia, NC 28052.

MC 140484 (Sub-3–32TA), filed September 14, 1982. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as applicant). *Carbonated beverages and materials and supplies used in the manufacture and distribution of the aforementioned commodities,* between Detroit, MI; Evansville, IN; Scranton, PA; Morgantown, NC; Miami, FL; St. Louis, MO; Winsboro, LA; and Dallas, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Faygo Beverages, Inc., 1365 Jarvis St., Ferndale, MI 48220.

MC 47171 (Sub-3–17TA), filed September 14, 1982. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *Contract:* Irregular: *Floor covering, accessories and related articles used in the manufacture and distribution thereof* between points in the U.S. in and east of MI, OH, KY, TN, and AL. Supporting shipper: Orders Tile & Distributing Company, Inc., P.O. Box 17189, Greenville, SC 29602.

MC 163856 (Sub-3–1TA), filed September 15, 1982. Applicant: OLEN BLANKINSHIP d.b.a. BLANKINSHIP TRANSPORTATION, Route 5, Scott Road, Canton, GA 30114. Representative: Clayton R. Byrd, 2870 Briarglen Drive, Doraville, GA 30340. *Contract:* Irregular: *Food and related products,* from Oneonta, AL, Waterloo, IA, Middlesboro, KY, St. Joseph, MO, Fall city, NE, Washington Court House, OH, and Clinton, OK to Atlanta, GA, New Orleans, LA, and San Antonio, TX; from Denver, CO to Hutchinson and Liberal, KS, New Orleans, LA, and San Antonio, TX; and from Waterloo, IA, Lyons, NE, and Fond du Lac, WI to Denver, CO, New Orleans, LA, and San Antonio, TX, under continuing contract with Bar-S foods Co. of Phoenix, AZ. Supporting shipper: Bar-S Foods Co., P.O. Box 29049, Phoenix, AZ 85038.

MC 143956 (Sub-3–27TA), filed September 14, 1982. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, P.O. Box 393, Berne, IN 46711. *Meat and meat products* between points in the U.S., under continuing contract with Mondi, Inc. Supporting shipper: Mondi, Inc., 7368 Woodcroft, Cincinnati, OH 45230.

MC 161634 (Sub-3–4TA), filed September 14, 1982. Applicant: SUNDANCE EXPRESS CORPORATION, 1069 Bankhead Highway, P.O. Box 157, Mableton, GA 30059. Representative: Clayton R. Byrd, 2870 Briarglen Drive, Doraville, GA 30340. *Contract:* Irregular: *Vehicular inner tubes,* from Warrenton, GA, and points in its commercial zone, to Denver, CO, Cocoa Beach, Jacksonville, Miami, Orlando, and Tampa, FL, Shreveport, LA, Detroit and Flint, MI, Batesville and Laurel, MS, Chattanooga, Dyersburg, Memphis, and Nashville, TN, and Houston and Waco, TX, under continuing contract with Warrenton Rubber Company, Division of E. H. Mann, Inc., of Warrenton, GA. Supporting shipper: Warrenton Rubber Company, Divison of E. H. Mann, Inc., 101 Fowler Street, Warrenton, GA 30828.

The following applications were filed in Region 4: Send protests to ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–27TA), filed August 25, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* from points in the U.S. to points in Burleigh, Dunn, Mercer, Morton and Oliver Counties, N.D., under a continuing contract with American Natural Gas Coal Gasification Co. Supporting shipper: American Natural Gas Coal Gasification Co., Detroit, MI.

MC 40978 (Sub-4–20TA), filed September 14, 1982. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Dr., Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. *Furniture and fixtures,* from the facilities of Haskell of Pittsburgh, Inc., at Verona and New Kensington, PA, to point in IA, IL, IN, MI, MN, MO, OH, and WI. Supporting shipper: Haskell of Pittsburgh, Inc., 231 Haskell Lane, Verona, PA, 15147.

MC 110923 (Sub-4–2TA), filed September 13, 1982. Applicant: ALBERT LIVEK, d.b.a. AL LIVEK'S TRUCKING SERVICE, 808 Harrison St., Kewanee, IL 61443. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703. *Alcoholic beverages* between Milwaukee, WI, on the one hand, and Kewanee, IL, on the other hand. Supporting shipper: C. L. Van de Voorde Distributing, Inc., 337 Tenney St., Kewanee, IL 61443.

MC 148383 (Sub-4–2TA), filed September 13, 1982. Applicant; H. PRUITT TRUCKING, INC., 2333 Wadsworth, Saginaw, MI 48601. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Contract,* irregular: *Petroleum and petroleum products, in bulk, in tank vehicles,* between Flint, MI and the commercial zone thereof, and the facilities of General Motors Corporation located at or near Athens, AL, under a continuing contract(s) with General Motors Corporation. Supporting shipper: General Motors Corporation, 3900 Highland Road, Saginaw, MI 48605.

MC 150277 (Sub-4–1TA), filed September 13, 1982. Applicant: HOWARD McLAIN TRANSPORTATION, INC., 139. S. Bunn Rd., Hillsdale, MI 49242. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 84933. *Metal and metal products* between various points in MI, on the one hand, and, on the other, points in IL, IN, IA, MO, TX, WI, PA, and NY. Supporting shippers: HIllsdale Tool & Manufacturing Co., 135 E. South St., Hillsdale, MI 49424; Simpson Industries, Inc., 917 Anderson Rd., Litchfield, MI 49252; and Extruded Metals, 302 Ashfield, Belding, MI 48809.

MC 157459 (Sub-4–2TA), filed September 13, 1982. Applicant: LEWIS C. HOWARD, INC., 760 E. Vine St., Kalamazoo, MI 49001. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* irregular: *General commodies (except in bulk, Classes A and B explosives, and household goods as defined by the Commission)* between all points in the U.S. (except AK and HI), under contracts with Clark Equipment Company. Supporting shipper: Clark Equipment Co., P.O. Box 1320, Battle Creek, MI 49016.

MC 162547 (Sub-4–1TA), filed August 23, 1982. Applicant: FLAT RIVER TRANSPORTATION INC., 10871 Montcalm Ave., Greenville, MI 48838. Representative: Thomas E. Bivins, 10871 Montcalm Ave., Greenville, MI 48838. *Contract* irregular: *Beer* between Milwaukee, WI and points in Ionia and Montcalm Counties, MI and between Fulton, NY and points in Ionia and Montcalm Counties, MI and between Perry, GA and points in Ionia and Montcalm Counties, MI. Underlying ETA seeks 120 day authority. Supporting shipper: Paul Drake Dist., 420 State St., Greenville, MI and Lakeland Dist., 875 Fairplanes St., Greenville, MI 48838.

MC 163809 (Sub-4–1TA), filed September 13, 1982. Applicant: DECKER DISTRIBUTING, INC., 211 West Coleman Street, Rice Lake, WI 54865. Representative: Michael J. Collins, Collins, Beatty & Krekeler, SC, 14 West Mifflin Street, Suite 310, P.O. Box 1042, Madison, Wisconsin 53701. *Contract* irregular: *Food and related products* from Bloomer, WI to points in IL, IN, IA, KY, MN, MO and TN under continuing contract(s) with Big Stone, Inc., Chaska, Minnesota. Supporting shipper: Big Stone, Inc., P.O. Box 86, Chaska, MN 55318.

MC 163810 (Sub-4–1TA), filed September , 1982. Applicant: M. A. WOLF, d.b.a. WOLF TRUCKING, 4421 Sherman Road, Slinger, WI 53086. Representative: Michael J. Collins, Collins, Beatty & Krekeler, SC, 14 West Mifflin Street, Suite 310, P.O. Box 1042, Madison, WI 53701. *Contract* irregular: Metal slugs and related articles from Chicago, IL to Schofield, WI under a continuing contract(s) with J. I. Case, C. E. Division, Schofield, WI. Supporting shipper: J. I. Case, 900 Alderson St., Schofield, WI.

MC 119626 (Sub-4–2TA), filed September 16, 1982. Applicant: ILL.-PAC. COAST TRANSPORTATION CO., 1601 Market St., Madison, IL 62060. Representative: E. B. Roling (same). *Pyroxlin plastics and pyroxlin plastic articles,* between Coachella, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Armtec Defense Products, Inc., P.O. Box 848, 85–901 Ave. 53, Coachella, CA 92236.

MC 123765 (Sub-4–6TA), filed September 17, 1982. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, WI 53204. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. *Contract, irregular; such commodities as are dealt in by retail department stores* between points in the Chicago, IL, Commercial Zone, on the one hand, and on the other, points in WI, under continuing contract(s) with J. C. Penney Company, Inc. Supporting shipper: J. C. Penney Company, Inc., 851 Devon Ave., Elk Grove Village, IL 60007.

MC 142258 (Sub-4–2TA), filed September 17, 1982. Applicant: DALE BLAND TRUCKING, INC., R.R. #1, Switz City, In 47465. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204–3491. *Coke*, from Indianapolis, IN to points in MI, IA, MO, OH, IL, WI, and KY. Supporting shipper: Citizens Gas & Coke Utility, 2950 Prospect Street, Indianapolis, IN 46203.

MC 142310 (Sub-4–13TA), filed September 17, 1982. Applicant: H.O. WOLDING, INC., P.O. Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703; (608) 256–7444. (1)(a) *Pulp, paper and related products*,(b) *rubber and plastic products*, (c) *non-wovens and non-woven articles*, and (d) *metal products* from Muskogee, OK to points in IL, IA, MN, MO, and WI; and (2) *materials, equipment, and supplies* (except in bulk) used in the manufacture, conversion, or distribution of commodities listed in Part (1) from points in AL, CT, GA, MA, MD, MI, NC, NJ, NY, PA, SC, VA, WV, and the District of Columbia to Muskogee, OK. Underlying ETA seeks 120 day authority. Supporting shipper: Fort Howard Paper Company, 1919 S. Broadway St., Green Bay, WI 54305.

MC 146062 (Sub-4–4TA), filed September 16, 1982. Applicant: J. C. HAULING CO., P.O. Box 12, Millstadt, IL 62260. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. *Transporting prestressed concrete products* and materials, equipment and supplies used in the manufacture, distribution and installation thereof, between East St. Louis, IL and Little Rock, AR. Supporting shipper: Prestressed Concrete Slabs, Inc., 2400 McCasland Ave., East St. Louis, IL 62201.

MC 162610 (Sub-4–2TA), filed September 16, 1982. Applicant: JETM DISTRIBUTION SYSTEM, INC., 8424 West 47th St., Lyons, IL 60534. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601. *Contract, irregular: Such commodities* as are dealt in or used by refrigerated warehouses, between points in the U.S. (except AK and HI), under continuing contract(s) with U.S. Cold Storage of Lyons, IL. Supporting Shipper: U.S. Cold Storage, 8424 West 47th Street, Lyons, IL 60534.

MC 163794 (Sub-4–1TA), filed September 16, 1982. Applicant: G. G. BARNETT TRANSPORT, INC., 507 York St., Beaver Dam, WI 53916. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *(a) Malt beverages and (b) motor oil* (a) between Memphis, TN and Minneapolis/St. Paul, MN on the one hand and on the other Beaver Dam, WI. Restriction: Restricted to traffic originating or destined to the facilities of Central Wisconsin Distributing, Inc. and (b) between Chicago, IL and points in Dodge, Jefferson, Washington and Waukesha Counties, WI. Restriction: Restricted to traffic originating or destined to the facilities or customers of Klink Oil Co., Inc. Supporting shippers: Central Wisconsin Distributing, Inc., Route 1, Baker Road, Beaver Dam, WI 53916 and Klink Oil Co., Inc., 1231 Wakoka Street, Watertown, WI 53094.

MC 163870 (Sub-4–1TA), filed September 16, 1982. Applicant: LOUIS LANE, INC., 1025 S. 3rd Ave., Wausau, WI 54401. Representative: Nancy J. Johnson, Attorney, 103 East Washington St., Box 218, Crandon, WI 54520. *Paper and paper products* from Wisconsin Rapids, WI to points in the Los Angeles, CA Commercial Zone. Supporting shipper: Kirk Paper Co., 6550 E. Washington Blvd., City of Commerce, CA 90040.

MC 163873 (Sub-4–1TA), filed September 16, 1982. Applicant: TIM'S MOTOR SERVICE, INC., P.O. Box 501, Bensenville, IL 60106. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603; 312/782–8880. *Paper and paper articles* from the facilities of Packaging Corporation of America, Inc., located at or near Burlington, WI, to the facilities of Packaging Corporation of America, Inc., located at or near Chicago, IL. Supporting shipper: Packaging Corporation of America, Inc., 1603 Orrington Ave., Evanston, IL 60204.

MC 163890 (Sub-4–1TA), filed September 17, 1982. Applicant: INDIANA LANDMARK, INC., R.R. #2, Box 10, Silver Lake, IN 46982. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract* irregular *Food and related products*, (except commodities in bulk) between points in the U.S. under continuing contracts with V.P.I., Inc/ Stratford Farms. Supporting shipper: V.P.I., Inc./Stratford Farms, P.O. Box 458, Goshen, IN 46526.

MC 163893 (Sub-4–1TA), filed September 17, 1982. Applicant: THOMAS O'BRIEN d.b.a. O'BRIEN TRUCKING, 3207 North Highway O, Wausau, WI 54401. Representative: Michael J. Collins, Collins, Beatty & Krekeler, S.C., 14 West Mifflin Street, Suite 310, P.O. Box 1042, Madison, WI 54401. *Paper, plastic and related articles and materials, equipment and supplies used or useful in the manufacture, sale, or distribution of such commodities* between Rhinelander, WI, on the one hand, and on the other, points in IL, IN, IA, KY, MI, MN, NJ, OH, PA, and TN. Supporting shippers: Daniels Packaging Co., Inc., 14 W. Kemp St., Rhinelander, WI 54501.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 78644 (Sub-5–1TA), filed September 14, 1982. Applicant: COPPES TRANSFER, INC., Box 718, Yarmouth, IA 52660. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Fertilizer and fertilizer materials* between Des Moines, Lee, Clinton, Dubuque, Washington, Henry, Jones and Cedar Counties, IA; LaSalle, Jo Daviess, Whiteside, Hancock, Henry, Peoria, Tazwell, McLean and St. Claire Counties, IL; and Crawford and Dane Counties, WI on the one hand, and, on the other, points in IL, IA, MO, WI, KS, NE and MN. Supporting shippers: Burlington River Terminal, Burlington, IA; Terra Chemicals International, Winfield, IA; Big Bills, Inc., Wyoming, IA; Smith-Douglass Corporation, Streator, IL; Lowden Fertilizer, Lowden, IA; Growmark, Inc., Bloomington, IL.

MC 88368 (Sub-5–16TA), filed September 14, 1982. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: C. Max Stewart (same as applicant). *Such commodities as are used or sold by catalog showrooms, department stores and supermarkets*, between points in the U.S. (except AK and HI) restricted to traffic originating at or destined to facilities of the supporting shippers and their suppliers. Supporting shippers: Ardan, Inc., Des Moines, IA, Modern Merchandising, Inc., Minnetonka, MN.

and Wal-Mart Stores, Inc., Bentonville, AR.

MC 133506 (Sub-5–2TA), filed September 14, 1982. Applicant: J & B TRANSPORTATION CO., INC., P.O. Box 18629, Fort Worth, TX 76118. Representative: William D. White, Jr., 4200 Republic Bank Tower, Dallas, TX 75201. *Sand, gravel and crushed rock, restricted to movement in dump trailers,* between points in AL, AR, CO, GA, KY, LA, MS, MO, NM, NC, OK, SC, TN, TX, VA, and WV. Supporting shippers: Martin Industries, Fort Worth, TX 76140; and Cangelosi Company, Missouri City, TX 77459.

MC 152277 (Sub-5–9TA), filed September 14, 1982. Applicant: LONG MILE RUBBER COMPANY, 155 South Court, Exchange Park, Dallas, TX 75245. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Silica and Plastic Materials (except in bulk)* from Barberton, OH, Memphis, TN, and Lake Charles, LA to Carrollton, TX. Supporting shipper: Harwick Chemical Corporation, 1255 Champion Circle, Carrollton, TX 75006.

MC 158959 (Sub-5–5TA), filed September 14, 1982. Applicant: RINEHART'S MEAT PROCESSING, INC., SR 2, Hollywood Hills, Branson, MO 65616. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Meat, meat products, primal cuts of beef, pork and lamb, and packaged meats* between Branson, MO and all points in AR, OK, KS, NE, MO, IA, TN, IL and MS. Supporting shippers: Canadian Valley Meat Co., Oklahoma City, OK; Dubuque Packing Company, Dubuque, IA 52001; Kretschmar Brands, Inc., Pittsburg, KS 66762; Oldhams Farm Sausage Co., Inc., Lees Summit, Mo 64063.

MC 142288 (Sub-5–5TA), filed September 15, 1982. Applicant: HAMILTON TRUCKING COMPANY OF OKLAHOMA, INC., 12612 E. Admiral Place, Tulsa, OK 74116. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: *Petroleum Coke,* between points in the U.S., under continuing contract(s) with Martin Marietta Cement, Midwest Division, Tulsa, OK. Supporting shipper: Martin Marietta Cement, Midwest Division, 5350 E. 46th Street, Tulsa, OK 74145.

MC 156255 (Sub-5–1TA), filed September 17, 1982. Applicant: JOHN S. FURDEK, 7869 Goya Street, St. Louis, MO 63139. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. *Building Materials* from the facilities of Owens-Corning Fiberglas Corporation in Maryland Heights, MO to points in IL and points in KY west of the Tennessee River. Supporting shipper: Owens-Corning Fiberglas Corp. Toledo, OH.

MC 161431 (Sub-5–2TA), filed September 17, 1982. Applicant: JOHN MANGANO d.b.a. C & C TRANSPORT, INC, 1400 Airline Highway, Baton Rouge, LA 70805. Representative: John Mangano (same as above). *Bulk Petroleum Products in tank vehicles* from Calcasieu Parish, LA to points in TX. Supporting shipper: Racetrac Petroleum, Inc., 2625 Cumberland Parkway, N.W., Suite 100, Atlanta, GA 30339.

MC 163570 (Sub-5–2TA), filed September 17, 1982. Applicant: CHARLES R. ALFORD d.b.a. ALFORD TRUCK LINES, P.O. Box 732, Bridge City, TX 77611. Representative: C. W. Ferebee, 3910 FM 1960 West, Suite 106, Houston, TX 77068. *Petroleum products (except commodities in bulk),* between Jefferson County, TX, on the one hand, and points in LA on the other hand. Supporting shippers: D & S Distributors, Inc., Plaquemine, LA; C. J. Matherne, Inc., Houma, LA; Kentwood Oil Co., Inc., Kentwood, LA; Mike M. Marcello Distributors, Inc., Donaldsonville, LA.

MC 163603 (Sub-5–TA), filed September 17, 1982. Applicant: MICHAEL SNITKER d.b.a. SNITKER TRUCKING, P.O. Box 374, Waukon, IA 52172. Representative: Michael Snitker (same as above). *Dairy Products (cheese)* from Portage, WI (AMPI Cheese Plant) to Carson, CA. Supporting shipper: Supremeco Inc., Carson, CA.

MC 163604 (Sub-5–1TA), filed September 17, 1982. Applicant: MIDSTATES EXPRESS, INC., P.O. Box 510, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). *Food and related products* (1) Between points in the Kansas City, KS and Kansas City, MO commercial zone on the one hand, and, on the other points in the United States located in and east of AZ, MT, UT and WY (2) Between Charleston, SC, Galvaston, TX, Gulfport, MS, New Orleans, LA and Tampa, FL on the one hand, and, on the other points in the United States located in and east of AZ, MT, UT and WY (3) Between points in the states of AL, AR, CO, FL, GA, IA, IL, KS, LA, MN, MO, MS, NE, OK, SC, SD, TN, TX and WI. Supporting shippers: Commercial Distribution Center, Inc., Independence, MO; Houlehan, Inc., Kansas City, MO; D. A. Welch, Kansas City, MO.

The following applications were filed in Region 6. Send protests to Interstate Commerce Commission, Region 6, Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 99388 (Sub-6–1TA), filed September 10, 1982. Applicant: ALLTRANS EXPRESS U.S.A., 1335 6th St., San Francisco, CA 94107. Representative: Thomas R. Tuite, (same as applicant). *General Commodities, in ocean containers, having immediately prior or subseqnet movement by water,* (1) Between Los Angeles, Los Angeles Harbor or Long Beach, CA on the one hand; and Oakland, San Francisco, Richmond or Stockton, CA on the other for 270 days. Supporting shippers: Trident Navigation Company, Inc., Agent Yang Ming Lines, 332 Pine St., San Francisco, CA 94104; Pacific Oriental Terminal Company, Pier 27, San Francisco, CA.

Note.—Applicant proposes to serve the Commercial zones of the above named points.

MC 163818 (Sub-6–1TA), filed September 13, 1982. Applicant: C.P.H. TRANSPORT, INC., P.O. Box 950, Florence, OR 97439. Representative: Robert H. Foster, Larry O. Gildea, P.C., 342 East 12th Ave., Eugene, OR 97401. *Forest Products, lumber and wood products,* and *pulp, paper and related products* between points in OR on the one hand and points in CA, ID, NV, UT, and WA on the other for 270 days. Supporting shipper: SeaTerm Services, Inc., P.O. Box 748, North Bend, OR 97459.

MC 42487 (Sub-6–71TA), filed September 13, 1982. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract Carrier,* irregular routes: *General commodities,* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ingersoll-Rand Company of Piscataway, NJ and its wholly owned subsidiaries, for 270 days. Supporting shipper: Ingersoll-Rand Company, 91 New England Ave., Piscataway, NJ 08854.

MC 163819 (Sub-6–1TA), filed September 13, 1982. Applicant: J & L FARMS, INC., 22239 S. 118th St., Chandler, AZ 85224. Representative: David Robinson and Lewis P. Ames, 2228 West Northern Ave., Suite B201, Phoenix, AZ 85021. *Fertilizer and fertilizer ingredients, feed and feed ingredients, cottonseed cake and meal, hay cubes and pellets in bulk or bags* between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY, restricted to the transportation of these

commodities in walking floor trailers for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Aztec Feeds, 116 West Broadway, Mesa, AZ 85202; Western Farm Service, 3075 Citrus Circle, Suite 195, Walnut Creek, CA 94598.

MC 163798 (Sub-6–1TA), filed September 10, 1982. Applicant: HUNTSMAN AG. SERVICE, P.O. Box 189, Enterprise, UT 84725. Representative: Nicholas Huntsman (same address as applicant). *Building materials* between points in Los Angeles, Orange, Riverside and San Bernardino counties of CA, to points in UT and NV for 270 days. An underlying, ETA seeks 120 days authority Supporting shipper: There are five (5) supporting shippers. Their statements may be examined at the Regional Office listed.

MC 129031 (Sub-6–1TA), filed September 13, 1982. Applicant: KLAUSNER TRANSPORTATION CO., INC., 101 N. Ave. 18, Los Angeles, CA 90031. Representative: William Davidson, 5501 Pacific Blvd., Suite 200, Huntington Park, CA 90255. *Contract Carrier,* Irregular Routes: *Wearing apparel on hangers,* and such *commodities as are dealt in by retail department* and *retail chain stores;* Between Los Angeles, CA Commercial Zone and points and places in the U.S. for 270 days. Supporting shippers: Transportation Alternatives Company, 615 E. Alondra Blvd., Gardena, CA; Orient GOH Uni-freight Systems, 22560 Lucerne St., Carson, CA.

MC 163789 (Sub-6–1TA), filed September 10, 1982. Applicant: LCI TRUCKING CO., P.O. Box 2177, Upland, CA 91786. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055–3273. (1) *Commodities as may be dealt in or used by wholesale or retail stores;* (2) *General Commodities* (excluding classes A or B explosives and household goods); between points in AK, CA, OR, WA for 270 days. There are 5 supporting shippers. Their statements may be examined at the Regional office shown above.

MC 150255 (Sub-6–4TA), filed September 10, 1982. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone Street, Denver, CO 80211. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357. *Contract carrier,* irregular route: *Alcoholic beverages and liquor,* from St. Louis, MO, Seattle, WA, Phoenix, AZ, La Crosse, WI, Omaha, NE, and Ripon and Long Beach, CA to the facilities of C & C Distributing Company at Denver, CO, under continuing contract(s) with C & C Distributing Company of Denver, CO, for 270 days. Supporting shipper: C & C Distributing Company, 6275 E. 39th Ave., Denver, CO 80216.

MC 730 (Sub-6–19TA), filed September 13, 1982. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO, P.O. Box 8004, Walnut Creek, CA 94596. Representative: Alfred G. Krebs (same as applicant). *Contract,* irregular; *General commodities* (except Class A and B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI), under continuing contract(s) with North American Philips Corporation and subsidiaries, for 270 days. Supporting shipper: North American Philips of 100 E. 42nd Street, New York, NY 10017.

MC 163831 (Sub-6–1TA), filed September 13, 1982. Applicant: RAIL-TRAIL CO, 3203 Third Ave., North, Suite 301, Billings, MT 59101. Representative: Mr. Gene Radermacher, 3203 Third Ave., North, Suite 301, Billings, MT. *Contract Carrier:* Irregular Routes: *Freight All Kinds,* (except commodities in bulk, household goods and hazardous materials), having a prior and/or subsequent interstate rail haul Between Billings and Laurel, MT, on the one hand, and all point in MT and WY on the other; Between Fargo, ND, on the one hand, and all points in SD, ND and MN on the other; Between Spokane, WA on the one hand, and all points in WA, ID, OR and MT on the other; Between Denver, CO, on the one hand, and all points in CO, NE and WY on the other, under continuing contract(s) with Burlington Northern Railroad, for 270 days. Supporting shipper: Burlington Northern Railroad, 2100 Executive Tower, 1405 Curtis St., Denver, CO 80202.

MC 54567 (Sub-6–4TA), filed September 13, 1982. Applicant: RELIANCE TRUCK CO., 2500 N. 24th Ave., Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Oil refinery; parts and sections thereof,* from the Conoco Refinery site near Carlton, MN to the Tonkawa Refinery site near Arnett, OK, for 270 days. Supporting shipper: American General Constructors, Inc., P.O. Box 207, Carlton MN 55718.

MC 163830 (Sub-6–1TA), filed September 13, 1982. Applicant: RICO L CORPORATION, P.O. Box 1878, Grants Pass, OR 97526. Representative: Rich Gallagher, P.O. Box 1346, Grants Pass, OR 97526. *Equipment and machinery* from, to or between all points in Curry, Jackson, Klamath, Josephine, Douglas, Deschutes Counties, OR: Del Norte, Siskiyou, Modoc, Humboldt, Shasta, Lassen, Tehama, and Trinity Counties, CA, for 270 days. Supporting shippers: There are eleven shippers. Their statements may be examined at the Regional Office listed above.

MC 151853 (Sub-6–2TA), filed September 13, 1982. Applicant: DONALD L. SHIRLEY, 5242 West Via Camille, Glendale, AZ 85306. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *Beer,* from Portland, OR to Indio, CA (and points in their commercial zones), for 270 days. An underlying ETA seeks 120-day authority. Supporting shipper: Sun Gold Distributing Co., 83–912 Ave. 45, Suite F, Indio, CA 92201.

MC 161974 (Sub-6–2TA), filed September 10, 1982. Applicant: TRIDENT TRUCK LINE, INC., P.O. Box 4030, Hayward, CA 94540. Representative: Manuel R. Senna, (same as applicant). *Contract Carrier,* irregular routes: (1) *Food industry equipment and meat packers supplies,* between AZ, CA, NV, OR and WA, under continuing contract with S. Blondheim & Co., Inc.; (2) *electrical switchboards, circuits and components,* between AZ, CA, NV, OR and WA under continuing contract with Industrial Electrical Manufacturing, Inc.; (3) *truck parts and related equipment,* between AZ, CA, NV, OR and WA, under continuing contract with Dana Corporation; and (4) *forgings, marine hardware, turnbuckles, block assemblies, clevises and related articles,* between CA, NV, OR and WA, under continuing contract with Gardiner Manufacturing Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: S. Blondheim & Co. Inc., 2444 Cypress St., Oakland, CA 94643; Dana Corp., 3390 Enterprise Ave., Hayward, CA 94545; Industrial Electric Mfg. Inc., 982 Washington Blvd., Fremont, CA 94539; Gardiner Mfg. Co., 2711 Union St., Oakland, CA 94607.

MC 163832 (Sub-6–1TA), filed September 13, 1982. Applicant: RANDY YTTRI TRUCKING, 9218 Iverson Rd., Snohomish, WA 98290. Representative: James E. Wallingford, P.O. Box 2647, Spokane, WA 99220. *Contract Carrier,* irregular routes transporting *building materials and office and kitchen cabinets and parts thereof* between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, for 270 days. Supporting shippers: Cascade Cabinet Company, 21415–87th Ave., SE, Woodinville, WA 98072; and Western Cabinet and Millwork, 15300 Woodinville-Redmond Rd., NE, Woodinville, WA 98072.

MC 163852 (Sub-6–1TA), filed September 15, 1982. Applicant: BRELAND LINES, 2161 North Mt. Vernon Ave., San Bernardino, CA 92411. Representative: Winfred D. Breland (same as applicant). *Passengers and their luggage in charter and special operations,* between points in the counties of San Bernardino, Riverside, Orange, Los Angeles and San Diego, on the one hand, and points within NV, NM, AZ, CO, LA, TX, DC, NE, MO, and IL on the other, for 270 days. Supporting shippers: American Legion Post 710, 2181 W. Highland Ave., San Bernardino, CA 92405; St. Paul A.M.E. Church, 1355 West 21 St., San Bernardino, CA 92411; and Arrowhead Elks Lodge #896, P.O.B. 7026, San Bernardino, CA 92411.

MC 150255 (Sub-6–5TA), filed September 14, 1982. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone St., Denver, CO 80211. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357. *Food and related products,* from the facilities of Cattle King Beef Co. at Denver, CO to all points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cattle King Beef Co., 5590 High St., Denver, Co 80216.

MC 147066 (Sub-6–4TA), filed September 15, 1982. Applicant: LUCKY THIRTEEN TRUCKING CO., INC., P.O. Box 3547, Hayward, CA 94540. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Contract carrier,* irregular routes: *products and materials used in the manufacturing of computer tape, computers, electrical equipment, plastic articles and polyester,* between points in AL, AZ, CA, CT, IL, ME, MA, MI MN, NE, NH, NJ, NY, NC, OH, PA, TX, WA and WI, under continuing contract(s) with Memorex Corp., for 270 days. Supporting shipper: Memorex Corporation, 2400 Codensa Ave., Santa Clara, CA 95052.

MC 51574 (Sub-6–1TA), filed September 14, 1982. Applicant: McLAUGHLIN DRAYING CO., 855 Riske Lane, West Sacramento, CA 95691. Representative: Raymond A. Greene, Jr., 100 Pine St., Suite 2550, San Francisco, CA 94111. *Contract Carrier,* irregular routes, *Newsprint,* between San Francisco, Sacramento and Yolo Counties, CA and Washoe County, NV, under continuing contracts with Crofton Paper Co., Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Crofton Paper Co., Inc., 3000 Sand Hill Road, Menlo Park, CA 94025.

MC 148769 (Sub-6–4TA), filed September 15, 1982. Applicant: SHELDON J. GOLDFIN, d.b.a. NEVADA PRODUCE, 2235 Glendale Rd., Sparks, NV 89431. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Insulation board,* from Fernley, NV to points in AZ, CA, CO, ID, MT, NM, OR, UT, WA and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: RMAX, Inc., P.O. Box 67, Fernley, NV 89408.

MC 143762 (Sub-6–2TA), filed September 14, 1982. Applicant: RIGGS & ALLEN TRANSPORTATION, INC., P.O. Box 182, West Sacramento, CA 95691. Representative: Fred R. Covington, 2150 Franklin St., Suite 554, Oakland, CA 94612. *Contract carrier,* irregular routes: *gypsum wallboard, gypsum wallboard accessories and commodities used* or *useful in the installation and/or manufacture of gypsum wallboard* and *gypsum wallboard accessories,* (except explosives and commodities in bulk) between the plant site of Western Gypsum approximately 22 miles south of Santa Fe, NM on the one hand, and points in AZ, NM, NV, UT, KS, OK, TX, CO and CA on the other hand, under continuing contract with Western Gypsum, Santa Fe, NM, for 270 days. Supporting shipper: Wester Gypsum, POB 2635, Sanata Fe NM 87501.

MC 163667 (Sub-6–1TA), filed September 15, 1982. Applicant: ROWLEY ENTERPRISES, 1419 West 1750 North, Layton, UT 84041. Representative: Arthur W. Rowley (same as applicant). *General commodities* (except classes A &B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, ID, IL, IA, KS, MT, MO, NE, NV, NM, OK, OR, TX, UT, and WY, for 270 days restricted to shipments originating at or destined to the facilities of: (1) Utah Farm Bureau Service Co, Salt Lake City, UT (2) Insulation-West, Layton, UT and (3) All Seasons Insulation, Ogden, UT. An underlying ETA seeks authority for 120 days. Supporting shippers: Utah Farm Bureau Service Company, 5300 South 360 West, Salt Lake City, UT 84107; Insulation West, 200 North 650 West, Kaysville, UT 84037; and All Seasons Insulation, 1020 West 2800 South, Ogden, UT.

MC 154328 (Sub-6TA), filed September 15, 1982. Applicant: SMOKEY POINT DISTRIBUTING, P.O. Box 189, Arlington, WA 98223. Representative: Matt Berry (same as applicant). *Contract carrier;* irregular routes: *Lumber & building materials,* from points of entry U.S./CD boundary line at Blaine or Lynden, WA and other points in WA to Kansas City, KS, for 270 days. Supporting shipper: Whittall Cedar Sales Ltd., #302 1530 W. 8th Ave., Vancouver, B.C. CD V6J4R8.

MC 148791 (Sub-6–15TA), filed September 15, 1982. Applicant: TRANSPORT-WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier:* Irregular routes: *Commodities dealt in or used by hardware or variety stores,* between Los Angeles, CA and points in UT, ID, AZ, or WY, for the account of Ace Hardware Corporation, Inc. of Oakbrook, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ace Hardware Corporation, Inc., 2200 Kensington Court, Oakbrook, IL. 60521.

MC 153628 (Sub-6–7TA), filed September 15, 1982. Applicant: JIM LARSEN, d.b.a. WIND RIVER TRUCKING, 215 First Ave., S.W., Park City, MT 59063. Representative: Charles M. Williams, 1600 Sherman St., Suite 665, Denver, CO 80203. *Such commodities as are dealt in or used by manufacturers and distributors of building materials (except in bulk),* between the facilities of Donn Corporation, at or near Westlake and Medina, OH; Red Lion, PA; Baltimore, MD; Lackawanna, NY; Stroud, OK; and Stockton, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Donn Corporation, 1000 Crocker Road, Westlake, OH 44145.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–26476 Filed 9–24–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 82–26988, appearing at page 33803 in the issue of Wednesday, August 4, 1982, the words "points in Dallas and Tarrant Counties, TX, and extending to" should be inserted between the fifth and sixth lines of the second column on page 33804. (MC 15681, Sub-1)

BILLING CODE 1505–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY, AGENCY FOR INTERNATIONAL DEVELOPMENT

[Amdt. No. 1]

Bureau for Private Enterprise Function and Authorities; Delegation of Authority

Delegation of Authority 142 is hereby amended as follows:

A new Section is inserted as follows:

Section 6. There is hereby delegated to the Assistant Administrator for Private Enterprise the following additional authorities for projects within the Private Enterprise Bureau's area of exclusive program responsibility:

Such authority as has been heretofore or will hereafter be delegated to any Assistant Administrator to execute and implement loan agreements and amendments thereto and otherwise to implement loan projects.

The authority delegated in this Section shall be exercised in consultation with the Office of the General Counsel and with such other Offices and Bureaus as the Assistant Administrator for Private Enterprise may deem appropriate. Such authority shall be exercised in accordance with applicable regulations, policies and procedures now or hereafter established or modified and promulgated within AID.

The authority delegated in this Section is in addition to any other authorities heretofore delegated to the Assistant Administrator for Private Enterprise. The authority herein delegated includes, but is not limited to, authorities delegated to Assistant Administrators in Delegations of Authority 5, 40, and 133.

Sections 6, 7 and 8 of Delegation of Authority 142 are renumbered accordingly.

This amendment to Delegation of Authority 142 shall be effective immediately.

Except as expressly modified hereby, Delegation of Authority No. 142 remains in full force and effect.

Dated: September 13, 1982.

M. Peter McPherson,

Administrator.

[FR Doc. 82-26414 Filed 9-24-82; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

September 22, 1982.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, extensions, or revisions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202-633-4312

Extension (No Change)

- Immigration and Naturalization Service,

Department of Justice
Affidavit of Witness (in admission for permanent residence)
On occasion
Individuals or households
Alien applicants for permanent residence: 2,600 responses; 432 hours; not applicable under 3504(h).
Andy Uscher—395-4814

- Immigration and Naturalization Service,

Department of Justice
Application for Creation of a Record of Lawful Admission for an Indochina Refugee
Nonrecurring
Individuals or households
Indochina refugees: 10,000 responses; 5,000 responses; not applicable under 3504(h).
Andy Uscher—395-4814

- Immigration and Naturalization Service,

Department of Justice
Application for Transfer of Petition for Naturalization
On occasion
Individuals or households
Resident aliens applying for naturalization: 1,200 responses; 199 hours; not applicable under 3504(h)
Andy Uscher—395-4814

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 82-26422 Filed 9-24-82; 8:45 am]

BILLING CODE 4410-10-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[82-55]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and notifying the public that the agency has made the submission. The proposed forms under review are listed below.

Copies of the proposed forms, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

DATE: Comments must be received in writing by (insert 10 days from the date of publication in the **Federal Register**). If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

ADDRESS: Christine Cabell, NASA Agency Clearance Officer, Code NSM-23, NASA Headquarters, Washington, D.C. 20546. Edward Clarke, Office of Information and Regulatory Affairs, OMB, Room 3208, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Christine Cabell, NASA Agency Clearance Officer, (202) 755-3219.

Reports

Title: Subcontracting Report for Individual Contracts
Type of Request: New
Frequency of Report: Semiannually
Type of Respondent: NASA Contractors
Annual Responses: 180
Annual Reporting Hours: 90
Federal Cost: $500.00
Number of Forms: One

Abstract: This report is used to collect information on subcontract commitments by NASA prime contractors and subcontractors which are required to subcontract with small and disadvantaged business concerns in accordance with the subcontract plans required by the Small Business Act of 1958 as amended by Pub. L. 95–507.

Title: Summary Subcontract Report
Type of Request: New
Frequency of Report: Quarterly
Type of Respondent: NASA Contractors
Annual Responses: 360
Annual Reporting Hours: 180
Federal Cost: $400.00
Number of Forms: one

Abstract: This report is used to collect information on subcontract commitments by NASA prime contractors and subcontractors which are required to subcontract with small and disadvantaged business concerns in accordance with the subcontract plans required by the Small Business Act of 1958 as amended by Pub. L. 95–507.

Title: Application for Patent License
Type of Request: New
Frequency of Report: On occasion
Type of Respondent: Companies in the Business of Manufacturing Products
Annual Responses: 184
Federal Cost: $170,000.00
Number of Forms: None, respondent answers questions in section 1245.207 of 14 CFR Part 1245

Abstract: Pursuant to the NASA Patent License Regulations, applicants for patent licenses must submit specific information in support of the application for license. This regulation specifies the information required to be submitted.

Title: Space Transportation System Request for Flight Assignment
Type of Request: New
Frequency of Report: Applicants complete the form once unless requirements change. Any change in requirements would result in an updated form
Type of Respondent: Satellite Telecommunication and Scientific Firms
Annual Report Hours: 10
Federal Cost: $1,000
Number of Forms: One

Abstract-Needs/Uses: The STS form 100 details the user's Shuttle launch request. This information includes: Payload title, principal contact, requested launch date, payload weight and length, and orbital requirement.

Dated: September 20, 1982.

Walter B. Olstad,

Associate Administrator for Management.

[FR Doc. 82-26423 Filed 9-24-82; 8:45 am]

BILLING CODE 750-01-M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-289 and 50-320]

GPU Nuclear Corp., et al.; Three Mile Island Nuclear Station, Units Nos. 1 and 2; Exemption

I

GPU Nuclear Corporation (the licensee) and three co-owners are the holders of Facility Operating Licenses Nos. DPR–50 and DPR–73 which authorize the operation of the Three Mile Island Nuclear Station, Units Nos. 1 and 2 (TMI–1 and 2). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission). The facility comprises two pressurized water reactors at the licensee's site in Dauphin County, Pennsylvania.

II

10 CFR 50.54(q) of the Commission's regulations requires a licensee authorized to operate a nuclear power plant to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.1 of Appendix E requires each licensee annually to conduct an emergency preparedness exercise with full participation by the State and local county governments unless the State and all local county governments in the plume exposure pathway Emergency Planning Zone (EPZ) for the licensee's facility have otherwise participated in a full-scale exercise during the annual period (with such participation occurring in conjunction with a full-scale exercise at another nuclear power plant). In this latter case, the licensee is required to conduct an annual exercise with the participation of State and local governments consistent with the provisions of Section IV.F.3 of Appendix E for small scale exercises.

By letter dated July 27, 1982, GPU Nuclear requested an exemption from certain annual exercise requirements of Section IV.F.1.a of Appendix E. Specifically, GPU Nuclear's annual exercise conducted on August 11, 1982 did not include a level of participation of local governments within the plume exposure pathway EPZ for TMI entirely consistent with the requirements of Section IV.F.1.a for full-scale exercises. Rather, the level of participation by the five counties within the plume exposure pathway EPZ for TMI along with the Commonwealth of Pennsylvania was consistent with the provisions of Section IV.F.3 of Appendix E for small-scale exercises. Two of the five counties for TMI, York and Lancaster, and the Commonwealth of Pennsylvania had previously participated on a full-scale basis in the recent annual exercise for the Peach Bottom facility in June 1982. However, the other three counties for TMI, Dauphin, Lebanon and Cumberland, have not participated in a full-scale exercise in 1982 and will not have the opportunity to do so during the balance of the year.

We have reviewed the participation of the Commonwealth of Pennsylvania and the TMI counties in previous exercises within the last 15 months. These exercises were the full-scale exercises conducted at TMI in June 1981, involving the full participation of the Commonwealth and Dauphin, Cumberland, Lancaster and Lebanon Counties, the TMI emergency exercise conducted in September 1981 involving the Commonwealth and York County, the TMI emergency communications exercise in October 1981, involving the Commonwealth and Dauphin, Cumberland, Lancaster, Lebanon and York Counties, and the recent full-scale exercise for the Peach Bottom facility in June 1982 involving the full participation of the Commonwealth and York and Lancaster Counties. This review has shown that these several exercises conducted within the last 15 months have provided suitable tests for the adequacy of offsite emergency preparedness for TMI, and have provided ample opportunity for training and familiarizing emergency response personnel, including those in Dauphin, Lebanon and Cumberland Counties, in their emergency response duties. In addition, the emergency preparedness exercise, conducted on August 11, 1982, involving the Commonwealth and the five counties for TMI served to further test the adequacy of communication links and the understanding of the participating agencies of their emergency response rules. From the scale and frequency of exercises conducted within the last 15 months involving the counties within the plume

exposure pathway EPZ for TMI, we find that the less than full-scale participation of Dauphin, Cumberland and Lebanon Counties in the current annual exercise for TMI will not adversely affect the overall state of emergency preparedness at TMI. For the above reasons, we conclude that the licensee's request for exemption should be granted.

III

Accordingly, the Commission has determined that an exemption in accordance with 10 CFR 50.12 is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest.

The requested exemption from the exercise requirements of 10 CFR Part 50, Appendix E, Section IV.F.1.a involving Dauphin, Lebanon, and Cumberland counties' full-scale participation in the licensee's current annual exercise is hereby granted.

The Commission has determined that this exemption does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, we have further concluded that the exemption involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 14th day of September 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-26508 Filed 9-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-416]

Mississippi Power and Light Co. Middle South Energy, Inc. and South Mississippi Electric Power Association; Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. NPF-13, issued to Mississippi Power and Light Company, Middle South Energy, Inc., and South Mississippi Electric Power Association (the licensees), for Grand Gulf Nuclear Station, Unit No. 1 (the facility) located in Claiborne County, Mississippi. This amendment grants additional one time Technical Specification exceptions for Phase I operation, and changes to the Technical Specifications. The changes to the Technical Specifications relate to Specifications Table 3.6.4-1, Valve E12-F021B Stroke Time; 4.5.1.C.2.a, "Keep Filled" Pressure Alarm Surveillance; Table 3.3.8-2, Containment Spray Initiation Time; and Table 3.8.4.1-1, Molded Case Circuit Breaker Response Time. The amendment is effective as of the date of issuance.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendement will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the two applications for the amendments dated September 13, 1982; (2) Amendment No. 3 to License NPF-13 dated September 20, 1982; and (3) the Commission's evaluation dated September 16, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Hinds Jr. College, George M. McLendon Library, Raymond, Mississippi 39154. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of September, 1982.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

26509

[FR Doc. 82-126509 Filed 9-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District (Cooper Nuclear Station); Modification of Order

January 13, 1981.

I

The Nebraska Public Power District (the licensee) is the holder of Facility Operating License No. DPR-46 which authorizes the licensee to operate the Cooper Nuclear Station at power levels not in excess of 2381 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Nemaha County, Nebraska.

II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661; and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the Federal Register on January 28, 1981 (46 FR 9286) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than September 30, 1982, or, if the plant is shutdown on the date, before the resumption of power thereafter.

III

On October 31, 1979, the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this proram. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria significant progress has been made and it was the intent of the licensee to meet the date specified in the January 13, 1981 Order. However, as identified in an August 23, 1982 letter, unforeseen difficulties and delays have been encountered related to the following: (1) Installation of piping hangers for the torus attached piping; (2) delivery of specialized cabling for the torus temperature monitoring system;

and (3) installation of relief valve logic system changes (Low-Low Setpoint Logic) that have necessitated revision of the Order date.

All of the major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping have been completed except for the installation of the relief valve logic system changes. All of the torus attached piping modifications have also been completed, except for completion of the installation of the remaining 40% of the external pipe hangers. It is estimated that over 95% of the total program effort has already been completed.

The Commission believes that with the modifications already completed most of the intended margins of safety of the containment systems have been achieved. In consideration of the range of modification completion dates presented in SECY-81-678 that was approved by the Commission, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has therefore determined to extend the previously imposed completion dates for needed plant modifications. This extension continues in effect the exemption to General Design Criteria 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

The Commission has determined that good cause exists for the extension of that exemption, that such extension is authorized by law, will not endanger life or property or the common defense and security, and is in the public interest. The Commission has determined that the granting of this extension will not result in any significant environmental impact and that, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environment impact appraisal need not be prepared in connection with this action.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License and Grant of Extension of Exemption," is hereby changed to read as follows: "Prior to the start of Cycle 9 at the completion of your 1983 refueling outage." The Order of January 13, 1982, except as modified herein, remains in effect in accordance with its terms.

V

The licensee may request a hearing on this Order within 30 days of the date of publication of this Order in the **Federal Register**. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License and Grant Extension of exemption," should be changed to "Prior to the Start of Cycle 9 at the completion of your 1983 refueling outage."

This order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland this 15th day of September 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-26510 Filed 9-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-272 and 50-311]

Public Service Electric and Gas Co. (Salem Nuclear Generating Station, Units Nos. 1 and 2); Exemption

I

Public Service Electric and Gas Company (the licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR-70 and DPR-75 which authorize operation of the Salem Nuclear Generating Station Units 1 and 2 (Salem or the facilities). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities are pressurized water reactors located at the licensee's site in Salem County, New Jersey.

II

Section III.G.2a of Appendix R to 10 CFR 50 requires that structural steel forming a part of or supporting a fire barrier with a 3-hour rating shall be protected to provide fire resistance equivalent to that requried of the barrier.

The licensee indicated in its March 19, 1981 letter that the walls forming barriers between redundant equipment and/or cables incorporating fire dampers are fire rated for three hours. The fire doors and/or fire dampers that are used for protection of these openings are fire rated for 1½ hours. The licensee has stated that an exemption for the doors and/or dampers is justified since the fire hazard analysis performed for Salem calculated a potential fire duration of less than one hour in all such areas.

Based on our evaluation, we conclude that the fire loading in the vicinity of openings in the affected area is sufficiently low so that protection by the 1½ hour fire door/dampers in the walls is acceptable. Therefore, the licensee's request to be exempted from the requirements to provide a three hour barrier should be granted.

III

Section III.G.3 of Appendix R to 10 CFR Part 50 requires that a fixed fire suppression system be installed in an area, room or zone under consideration for alternative safe shutdown modifications. In the case of Salem, under this provision a fixed fire suppression system would be required in the control room.

The licensee indicated in its March 19, 1981 letter, that the fire protection features currently installed in the control room provide adequate fire fighting capability in the control room and constitute an adequate fixed fire suppression system for the area. However, inasmuch as the term "fixed suppression" has been used to connote sprinklers or gas suppression systems, the licensee has requested an exemption from the requirements of III.G.3 to provide a fixed suppression system.

The licensee's exemption request is based on the following:

—An alternate shutdown system has been provided for the control room. This alternate shutdown system provides remote control capabilities for those systems needed to carry out a reactor shutdown function, maintain hot shutdown, proceed to and maintain cold shutdown, from outside the main control room.

—A fire detection system has been installed in the control room.

—Portable fire extinguishers have been installed inside the control room.

The modifications which the licensee's exemption request is based on are required by Appendix R to 10 CFR Part 50. Therefore, the above modifications alone do not justify an exemption from the requirement to install a fixed fire suppression system in areas where redundant divisions are located. However, the control room is an unique area of the plant that is requried to be continually occupied by the operators. In the event of a fire, manual fire suppression would be effective and prompt. Because the operators provide a continuous fire watch in the control room, a fixed suppression system is not necessary to achieve adequate fire protection in the control room. This is similar to the concept reflected in the staff's acceptance, on a short-term basis, of a continuous fire watch as an alternative to fixed suppression systems when such systems become unavailable per 3.7.10.2 of the Standard Technical Specifications.

Based on our evaluation, we conclude that the licensee's fire protection features for the control room meet the objectives of Section III.G, "Fire Protection of Safe Shutdown Capability," of Appendix R to 10 CFR Part 50, and, therefore, the licensee's request to be exempted from the requirement to provide a fixed fire suppression system in the control room should be granted.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, these exemptions are authorized by law and will not endanger life or property or the common defense and security, are otherwise in the public interest, and are hereby granted.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 16th day of September, 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 82-26511 Filed 9-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. This amendment is effective as of the date of issuance.

The amendment modifies surveillance requirements and limiting conditions for operation for the engineered safety feature air filter systems.

The application for the amendment complies with the standrds and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commision's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated May 21, 1975, as revised November 28, 1975, February 9, 1977 and June 21, 1979, (2) Amendment No. 39 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Business and Municipal department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, , Washington D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of September 1982.

For The Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-26512 Filed 9-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361]

Southern California Edison Co., et al.; Issuance of Amendment; Facility Operating License No. NPF-10

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. NPF-10, issued to Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California and The City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Unit 2 (the facility) located in San Diego County, California. This amendment is effective as of the date of issuance.

Amendment No. 8 changes the date for operability of the post-accident sampling system from "prior to exceeding five (5) percent power" to "January 1, 1983." Amendment 8 also changes the associated Technical Specifications.

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Southern California Edison Company's letters dated September 11, 14, and 15, 1982, (2) Amendment No. 8 to Facility Operating License No. NPF-10, and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the San Clemente Library, 242 Avenida Del Mar, San

Clemente, California 02672. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of September, 1982.

For the Nuclear Regulatory Commission.

Janis Kerrigan,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-26513 Filed 9-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-19101 (50-327 and 328)]

Tennessee Valley Authority; Issuance of Materials License, Safety Evaluation Report, Environmental Impact Appraisal, and Negative Declaration for the Onsite Storage of Low-Level Radioactive Waste at the Sequoyah Nuclear Plant

The U.S. Nuclear Regulatory Commission (the Commission) has issued Materials License No. 41-08165-14 to the Tennessee Valley Authority (TVA or licensee) authorizing the receipt, possession, storage and transfer of low-level radioactive waste (LLRW) at its onsite LLRW Storage Facility at the Sequoyah Nuclear Plant (SNP) located in Hamilton County, near Chattanooga, Tennessee. The license authorizes the storage of up to five years of LLRW generated from the operation of the SNP. The license is effective as of the date of issuance and the term of the license is five years.

Application for storage of LLRW at the SNP was made by TVA as an amendment to the facility operating license No. DPR-77. Notice of receipt of the application and offering an opportunity for public participation in connection with the action was published in the **Federal Register** on March 5, 1981 (46 FR 15390). For administrative purposes the application has been reviewed and the license issued pursuant to 10 CFR Part 30 of the Commission's regulations.

The application for amendment to the facility operating license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's Regulations in 10 CFR Chapter 1, which are set forth in the license.

The Commission's Office of Nuclear Materials Safety and Safeguards, Division of Fuel Cycle and Material Safety, has completed its safety and environmental reviews in support of the issuance of Materials License No. 41-08165-14. Two staff documents, the Safety Evaluation Report and the Environmental Impact Appraisal of Low-Level Radioactive Waste Storage at Tennessee Valley Authority Sequoyah Nuclear Plant, have been issued.

The environmental appraisal, "Environmental Impact Appraisal of Low-Level Radioactive Waste Storage at Tennessee Valley Authority Sequoyah Nuclear Plant," was issued in accordance with 10 CFR Part 51. The Environmental Impact Appraisal concluded that the issuance of the proposed license will not significantly affect the quality of the human environment and that there will be no significant environmental impact from the issuance of the proposed license. Based on this appraisal, the Commission therefore concludes that this Negative Declaration is appropriate and an environmental impact statement for this particular license is not warranted.

The Commission's Safety Evaluation Report, dated September 1982, and Environmental Impact Appraisal, dated September 1982, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local Public Document Room for TVA's Sequoyah Nuclear Plant at the Chattanooga-Hamilton County Public Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee. A copy of these reports may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Maryland this 17th day of September 1982.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 82-26514 Filed 9-24-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to incorporate revised core thermal-hydraulic Limiting Conditions of Operation during the present fuel cycle (Cycle 9).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.d(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 19, 1982 as supplemented September 10, 1982; (2) Amendment No. 72 to License No. DPR-28, and; (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of September 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-26515 Filed 9-24-82; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Certificate of Completion

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Notice of the Federal Inspector's Certification of Completion

for Phase I of the Eastern Leg of the Alaska Natural Gas Transportation System.

Take notice that on September 20, 1982, The Federal Inspector certified that Phase I of the Eastern Leg of the Alaska Natural Gas Transportation System is completed so as to be capable of performing at the certificated throughput of 800 million cubic feet of natural gas per day. This Federal Inspector action was taken pursuant to Order Nos. 31 and 31–B of the Federal Energy Regulatory Commission, which provide that Northern Border Pipeline Company, the owner of the Phase I segment in the U.S., may commence billing under its transportation tariff upon this certification of completion.

This certification of completion is a final agency action under Section 202(a) of Reorganization Plan No. 1 of 1979, 44 FR 33663, and Section 10 of the Alaska Natural Gas Transportation Act, 15 U.S.C. 719h. Copies of the letter containing the certification are available by writing or telephoning: Mr. Richard Berman, Director, Audit and Cost Analysis, Office of the Federal Inspector, ANGTS, Room 2317, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044; (202) 275–1153.

Dated: September 23, 1982.

John T. Rhett,

Federal Inspector.

[FR Doc. 82–26576 Filed 9–24–82; 8:45 am]

BILLING CODE 6119–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19059, File No. SR–OCC–82–12]

Amendment To Proposed Rule Change by the Options Clearing Corporation

September 17, 1982.

The Options Clearing Corporation ("OCC") submitted Amendment No. One to a proposed rule change (SR–OCC–82–12) on September 13, 1982, pursuant to Rule 19b–4 under the Securities Exchange Act of 1934. The Amendment makes several changes to OCC's proposed foreign currency options rules published in Securities Exchange Act Release No. 18886 (July 14, 1982) and the **Federal Register** (47 FR 33349, August 2, 1982).

The Amendment to the proposed rule change would: (i) Permit OCC to release on the date settlement is deemed to have been made margin deposited in respect of foreign currency options; (ii) require receiving clearing member to buy-in foreign currency within two foreign business days after receiving notice from OCC of a failure to deliver, (iii) assess any party failing to deliver interest penalties based upon interest rates in the country of origin of the foreign currency; (iv) reduce the minimum margin amount required to be deposited in respect of foreign currency options to reflect more accurately the volatility of foreign currency options, and (v) alter the exercise settlement procedures to provide for delivery of foreign currency through the facilities of OCC rather than the member-to-member settlement procedure originally proposed.

Specifically, with respect to settlement of exercised options contracts under the Amendment, OCC will establish and maintain a correspondent bank in the country of origin of each foreign currency that is the subject of OCC options. After the receiving clearing member pays the aggregate exercise price to OCC, the delivering clearing member will be required to direct its correspondent bank to deliver foreign currency to OCC's correspondent bank. OCC will then direct its correspondent bank to redeliver the foreign currency to the account of receiving clearing member at the receiving member's correspondent bank.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the **Federal Register**. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR–OCC–82–12.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self/regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–26433 Filed 9–24–82; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer, George G. Kundahl—202–272–2700

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Extension

Form N–1Q (17 CFR 274.106)
SEC File No. 270

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1940 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of approval Form N–1Q under the Investment Company Act of 1940 and the Securities Exchange Act of 1934. Form N–1Q is used by management investment companies to report the occurrence during the preceding calendar quarter of any one or more of the twelve events specified by the form.

The potential respondents are all management investment companies registered under the Investment Company Act of 1940.

Submit comments to OMB Desk Officer: Robert Veeder—202–395–4814.

George A. Fitzsimmons,

Secretary.

September 20, 1982.

[FR Doc. 82–26432 Filed 9–24–82; 8:45 am]

BILLING CODE 8010–01–M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

September 20, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Triton Energy Corp., Common Stock, $1 Par Value (File No. 7–6312)

Mitchell Energy & Development Corp., Common Stock, $.10 Par Value (File No. 7–6313)

Petro-Lewis Corp., Common Stock, $1 Par Value (File No. 7–6314)
Heizer Corporation, Common Stock, $.01 Par Value (File No. 7–6315)
Umet Properties Corporation (Delaware—New Holding Company), Common Stock, $1 Par Value (File No. 7–6316)
Dayco Corporation (Michigan), Common Stock, $1 Par Value (File No. 7–6317)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 12, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–26431 Filed 9–24–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19064, (SR–OCC–82–15)]

Options Clearing Corp.; Order Approving Proposed Rule Change

September 20, 1982.

Options Clearing Corporation ("OCC"), on July 6, 1982, submitted a proposed rule change, pursuant to Rule 19b–4 under the Securities Exchange Act of 1934, which allows OCC to eliminate certificates in respect of options contracts. Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18944, August 9, 1982) and by publication in the **Federal Register** (47 FR 36346, August 19, 1982). No letters of comment were received by the Commission.

Article VI of OCC's By-Laws and Chapter VII of OCC's Rules currently provide for the issuance of physical certificates in respect of options contracts at the request of OCC participants. Certificates may be issued in respect of any option contract included in a long position in a customer's account.[1] A certificate merely evidences a clearing member's position as the holder of one or more options of a specified type (put or call) in a specified option series; it is nonnegotiable and confers no separate legal rights on the holder. Certificated options contracts may only be exercised or closed out upon the surrender of the physical certificate in accordance with OCC's Rules and Procedures.[2] In that regard, OCC's By-Laws and Rules provide that until the certificate is surrendered, any attempt by a clearing member to write a closing options transaction with respect to a corresponding long certificated options position is considered by OCC to be an opening transaction subject to OCC's margin requirements on short positions.[3] Furthermore, while the exercise of an unexpired, certificated option contract must be accompanied by the surrendered certificate,[4] a clearing member may exercise an expiring, certificated options contract without contemporaneously surrendering the certificate. In that situation, OCC's Rules only require that a clearing member surrender the certificate to OCC promptly following exercise;[5] that clearing member, however, must hold OCC harmless against any loss or expense sustained by OCC due to the member's failure to surrender the certificate on expiration.[6]

OCC's proposed rule change would eliminate all provisions in its current By-Laws and Rules providing for, or referring to, options certificates.[7] In addition, the proposed rule change would eliminate language referring to certificates in connection with OCC's various "new products," adopted or proposed.[8] Furthermore, the proposed rule change contains conforming technical amendments to several OCC Rules that relate to certificates.[9]

In its filing, OCC sets forth several reasons supporting the elimination of certificates. OCC states that, when the listed options market was initiated, OCC's originators preferred totally certificateless option trading, but provided for the issuance of certificates on request due to a concern that some States would require institutional investors to maintain physical custody of certificates. However, after contacting the marketing personnel of the options exchanges, staff of the National Association of Insurance Commissioners, attorneys for institutional investors and those OCC clearing members that have requested certificates, OCC now understands that institutional investors do not need and will not request certificates. OCC also failed to locate any State or local regulatory requirements that could preclude eliminating the certificates. Furthermore, the Commission did not receive any comments, including those relating to the existence of such statutory requirements, in response to its formal solicitation of comments in Securities Exchange Act Release No. 18969.

OCC believes that several benefits will accrue to its clearing members when certificates are eliminated. Certificates impose on clearing members administrative burdens and related costs that are greatly out of proportion to the volume of certificates actually issued.[10] For example, clearing members devote significant amounts of computer time and manpower in requesting, auditing, balancing, holding and redeeming certificates on behalf of customers, as well as in posting and monitoring margin on certain closing options transactions pursuant to OCC By-Law VI, Section 15 and OCC Rule 703.

Moreover, OCC incurs significant and disproportionate burdens and related costs. Not only must OCC issue, monitor, audit and redeem certificates, it also must systems test certificate processing whenever changes are made to its clearing system. OCC has indicated that these tests are costly and time consuming.

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[1] OCC Rule 701. To identify the clearing member's customer for whose account the option is purchased, the clearing member inserts its customer's name in the appropriate space on the OCC certificate.

[2] OCC Rule 702.

[3] OCC By-Law, Article VI, Section 15, and OCC Rule 703.

[4] OCC Rule 801(a).

[5] OCC Rule 805(m).

[6] *Id.*

[7] Numerous OCC By-Law and Rule provisions are being amended or rescinded to bring about this result. The OCC By-Law central to certificate issuance, Article VI, Section 6, is being amended, and Chapter VII of OCC's Rules under the By-Law (*i.e.*, OCC Rules 701 through 705) are being rescinded.

[8] *See* OCC By-Laws Articles XII (GNMA Options); XIII (Treasury Securities Options); XIV (CD Options); and XV (foreign Currency Options).

[9] Other OCC Rules that will be technically amended to conform to the proposed rule change include: Rule 101(e), Definition of Certificate; Rule 205, Receipt of Documents; Rule 206, Submission (of documents) to OCC; Rule 401, Report of Matched Trades; Rule 801, Exercise of Options; and Rule 805, Expiration Date Exercise Procedure.

[10] OCC state in its filing that, in 1981, less than .1 percent of all outstanding options contracts were represented by physical certificates.

For the reasons stated below, the Commission believes that OCC has correctly assessed the costs and benefits of issuing certificates in respect of options contracts and the value inherent in eliminating those certificates.

Approval of the proposed rule change should benefit OCC clearing members in several ways. First, the elimination of options certificates will expedite both the close out and the exercise of clearing members' unexpired long options positions. Second, it will obviate the need for additional OCC margin in certain circumstances, allowing members to use those marginable assets for other productive purposes. Third, clearing members will be able to avoid the administrative costs and burdens associated with OCC's certificate program. Finally, the Commission believes that by implementing the proposed rule change, OCC will avoid costly administrative burdens associated with processing options certificates.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authoirty.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-26429 Filed 9-24-82; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity of Hearing

September 20, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Frontier Holdings, Inc. Common Stock, $.50 Par Value (File No. 7-6318)

Norfolk Southern Corporation Common Stock, $1 Par Value (Filed No. 7-6319)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 12, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunitiy for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-26430 Filed 9-24-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region VII Advisory Council; Public Meeting

The Small Business Administration, Region VII located in the geographical area of Kansas City, will hold a public meeting at 9:30 a.m., Wednesday, October 6, 1982, at the Landmark Building, 309 N. Jefferson (1st floor), Springfield, Missouri, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Patrick E. Smythe, District Director, U.S. Small Business Administration, Fourth Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106; (816) 374-5557.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

September 21, 1982.

[FR Doc. 82-26475 filed 9-26-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

General Aviation District Office at Santa Monica, Calif., Air Carrier District Office at Los Angeles, Calif.,

Notice is hereby given that on or about October 1, 1982, Air Carrier District Office Number 31 at Los Angeles, California will be redesignated as Flight Standards District Office Number 62. Concurrently, General Aviation District Office Number 6 at Santa Monica, California will be redesignated as Flight Standards District Office Satellite Number 62S. Both offices will remain at their present locations, and services to the general public will continue without interruption. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, CA, on September 16, 1982.

R. L. Devereaux,

Acting Director, Western-Pacific Region.

[FR Doc. 82-26272 Filed 9-24-82; 8:45am]

BILLING CODE 4910-13

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in August 1982. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5. Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1479-X	DOT-E 1479	Rockwell International Corporation, Canoga Park, CA.	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification cargo tanks for transportation of liquefied fluorine and mixture of liquefied fluorine and liquefied oxygen. (Mode 1.)
1479-X	DOT-E 1479	U.S. Department of Defense, Washington, DC.	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification cargo tanks for transportation of liquefied fluorine and mixture of liquefied fluorine and liquefied oxygen. (Mode 1.)
2136-X	DOT-E 2136	U.S. Department of Defense, Washington, DC.	49 CFR 173.1, 173.3(a), 173.7(a), 174.10, 174.104, 174.3, 174.90(a), 177.801, 177.802.	To authorize shipment of radioactive materials with explosives in Department of Defense containers packaged and loaded by the Department of Defense without carrier inspection. (Modes 1, 2.)
2805-X	DOT-E 2805	Union Carbide Corporation, Danbury, CT	49 CFR 172.101, 173.315(a)(1)	To become a party to Exemption 2805. (Mode 1.)
3126-X	DOT-E 3126	Hercules, Incorporated, Wilmington, DE	49 CFR 173.62, 177.821, 177.822(b), 177.835(k).	To authorize packagings not provided for in the Hazardous Materials Regulations, for transportation of Class A explosives. (Mode 1.)
3142-X	DOT-E 3142	U.S. Department of Energy, Washington, DC.	49 CFR 173.24(a)(1)	To authorize shipment of nonflammable compressed gases in DOT Specification 3A1800 or 3A2000 cylinders, from which a controlled flow of gas is released to a leak calibration apparatus. (Modes 1, 2.)
3216-X	DOT-E 3216	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.314(e)	To authorize use of a proposed DOT Specification 110A300W tank car tank, for transportation of certain flammable compressed gases. (Modes 1, 3.)
4106-X	DOT-E 4108	Purity Cylinder Gases, Inc., Grand Rapids, MI.	49 CFR 173.315(a)	To authorize shipment of liquefied argon, nitrogen and oxygen in non-DOT specification cargo tanks. (Mode 1.)
4108-X	DOT-E 4108	Burdett Gas Products Company, Norristown, PA.	49 CFR 173.315(a)	To authorize shipment of liquefied argon, nitrogen and oxygen in non-DOT specification cargo tanks. (Mode 1.)
4453-X	DOT-E 4453	Margraf Explosives, Inc., Rancho Cordova, CA.	49 CFR 173.114a(h)(3)	To authorize use of a non-DOT specification bulk, hopper-type tank for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixture. (Mode 1.)
4453-P	DOT-E 4453	Kentucky Anfo, Inc., Madisonville, KY	49 CFR 173.114a(h)(3)	To become a party to Exemption 4453. (Mode 1.)
4459-P	DOT-E 4459	Lif-O-Gen Div. of Allied Healthcare Prod., Inc., Cambridge, MD.	49 CFR 173.302(a)(1), 173.304(a)(1), 173.328(a)(2), 173.353(a)(3), 175.3, 178.37.	To become a party to Exemption 4459. (Modes 1, 2, 4.)
4497-X	DOT-E 4497	Red Ball Supply, Inc., Oklahoma City, OK.	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification cargo tanks for transportation of certain nonflammable compressed gases. (Mode 1.)
4717-X	DOT-E 4717	Northern Petrochemical Company, Morris, IL.	49 CFR 172.101, 173.314(e)	To authorize shipment of ethylene or ethane in a non-DOT specification, insulated tank car tank. (Mode 2.)
4734-X	DOT-E 4734	General Electric Company, Waterford, NY.	49 CFR 173.135(a)(9), 173.136(a)(8), 173.280(a)(8).	To authorize use of modified DOT Specification MC-331 cargo tanks for transportation of certain flammable liquids and corrosive materials. (Mode 1.)
5232-X	DOT-E 5232	E. I. du Pont de Nemours & Comapny, Inc., Wilmington, DE.	49 CFR 173.314(c) table	To authorize shipment of certain flammable and nonflammable liquefied compressed gases in AAR Specification 120A300W tank cars, and DOT Specification 105A500W tank cars. (Mode 2.)
6071-X	DOT-E 6071	Walter Kidde & Company Incorporated, Belleville, NJ.	49 CFR 173.304, 173.305, 175.3	To authorize use of non-DOT specification pressure vessels for transportation of nonflammable compressed gases. (Modes 1, 2, 4, 5.)
6080-X	DOT-E 6080	U.S. Department of Energy, Washington, DC.	49 CFR 173.301(d), 173.327(a) 173.337(a)(1).	To authorize use of manifolded cylinders for transportation of a Class A poison. (Mode 1.)
6113-X	DOT-E 6113	Trans Gas, Inc., Lowell, MA	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification cargo tank for shipment of certain flammable gases. (Mode 1.)
6121-X	DOT-E 6121	E. I. du Pont de Pont Nemours & Company, Inc., Wilmington, DE.	49 CFR 179.220-19(c)	To authorize use of DOT Specification 115A60W1 and 115A60W6 tank car tanks for transportation of a certain flammable liquid. (Mode 2.)
6197-P	DOT-E 6197	Transgas inc., Lowell, MA	49 CFR 172.101, 173.315(a)(1)	To become a party to Exemption 6197. (Mode 1.)
6205-P	DOT-E6205	Beech Aircraft Corporation, Boulder, CO	49 CFR 172.101, 173.315(a)(1)	To become a party to Exemption 6205. (Mode 1.)
6231-X	DOT-E 6231	Richmond Lox Equipment Company, Livermore, CA.	49 CFR 172.101, 173.314(c)	To authorize shipment of liquefied flammable gases in non-DOT specification vacuum insulated tank cars. (Mode 2.)
6334-X	DOT-E 6334	Allied Corporation, Morristown, NJ	49 CFR 172.101, 172.504	To authorize use of DOT Specification MC-312 cargo tanks for transportation of an oxidizer. (Mode 1.)
6349-X	DOT-E 6349	Airco Industrial Gases, Murray Hill, NJ	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification portable tanks for shipment of certain flammable and nonflammable gases. (Modes 1, 2, 3.)
6349-X	DOT-E 6349	Union Carbide Corporation, Danbury, CT	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification portable tanks for shipment of certain flammable and nonflammable gases. (Modes 1, 2, 3.)
6392-X	DOT-E 6392	Stauffer Chemical Company, Westport, CT.	49 CFR 172.101, 173.314(c)	To authorize use of non-DOT specification vacuum insulated tank car tanks for transportation of a liquefied flammable compressed gas. (Mode 2.)
6464-P	DOT-E 6464	Transgas Inc., Lowell, MA	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6464. (Mode 1.)
6472-X	DOT-E 6472	Thiokol Corporation, Odgen, UT	49 CFR 173.91	To authorize use of non-DOT specification polystyrene containers for transportation of certain Class B explosives. (Modes 1, 2, 3.)
6484-X	DOT-E 6484	International Minerals, and Chemical Corporation, Mundelein, IL.	49 CFR 172.101	To authorize transport of mixtures of nitromethane and various solvents in DOT Specification MC-307 or MC-312 tank motor vehicles. (Mode 1.)
6848-X	DOT-E6484	Dow Chemical Company, Midland, MI	49 CFR 172.101	To authorize transport of mixtures of nitromethane and various solvents in DOT Specification MC-307 or MC-312 tank motor vehicles. (Mode 1.)
6538-X	DOT-E6538	Aladdin Industries, Incorporated, Nashville, TN.	49 CFR 173.304(d)(3)(ii), 178.33	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1, 3.)
6538-X	DOT-E6538	Wonder Corporation of America, Norwak, CT.	49 CFR 173.304(d)(3)(ii), 178.33	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1,3.)
6611-X	DOT-E6611	Cities Service Company, Tulsa, OK	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification vacuum insulated portable tank, for transportation of a nonflammable gas. (Modes 1, 3.)
6651-X	DOT-E6651	Park Chemical Company, Detroit, MI	49 CFR 173.28(h), 173.28(m)	To authorize one time reuse of the involved single-trip containers, for transportation of certain Class B poisonous solids. (Mode 1.)
6651-X	DOT-E6651	Heatbath Corporation, Chicago, IL	49 CFR 173.28(h), 173.28(m)	To authorize one time reuse of the involved single-trip containers, for transportation of certain Class B poisonous solids. (Mode 1.)
6658-X	DOT-E6658	U.S. Department of Defense, Washington, DC.	49 CFR 173.65	To become a party to Exemption 6658. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6670–X	DOT–E6670	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.301(d), 173.302	To authorize shipment of tetrafluoromethane in DOT Specification 3A2400, 3AA2400 and 3AAX2400 cylinders. (Mode 1.)
6760–X	DOT–E6760	Terra Chemicals International, Inc., Sioux City, IA.	49 CFR 173.358(a)(13), 173.359(a)(15)	To authorize use of DOT Specification 51 portable tanks equipped with bottom outlet for unloading, for transportation of certain Class B poisonous liquids. (Mode 1.)
6763–X	DOT–E6773	Pool Water Products, Garden Grove, CA.	49 CFR 173.2117(a)(8)	To authorize use of non-DOT specification single-wall, double face corrugated fiberboard boxes, for shipment of certain oxidizers. (Modes 1, 2, 3.)
6890–X	DOT–E6890	Explosive Technology, Inc., Fairfield, CA.	49 CFR 173.100(ee), 175.3	To become a party to Exemption 6890. (Modes 1, 2, 3, 4.)
6929–X	DOT–E6929	U.S. Department of Energy, Washington, DC.	49 CFR 173.88(e)(2)(ii), 173.92(b)	To authorize shipment of a Class B explosive in rocket motors in a propulsive state. (Modes 1, 3.)
6984–X	DOT–E6984	Hercules, Incorporated, Wilmington, DE.	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i).	To authorize packaging of 1000 or less electric blasting caps in inside pasteboard cartons or tubes, overpacked in an IME Standard 22 container. (Mode 1.)
6984–X	DOT–E6984	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i).	To authorize packaging of 1000 or less electric blasting caps in inside pasteboard cartons or tubes, overpacked in an IME Standard 22 container. (Mode 1.)
7024–X	DOT–E 7024	Burlington Industries, Inc., Burlington, NC.	49 CFR 173.249(a)(7)	To authorize transport of an alkaline corrosive liquid in collapsible rubber containers identified as SEALDTANKS. (Mode 1.)
7076–X	DOT–E 7076	LaMotte Chemical Products Company, Chestertown, MD.	49 CFR 173.286(b)	To authorize packaging not prescribed in the Hazardous Materials Regulations, for transportation of a certain corrosive liquid and flammable liquid. (Modes 1, 2, 3.)
7538–X	DOT–E 7538	Southern Chemical Products Company, Macon, GA.	49 CFR 178.19, Part 173, Subpart F	To authorize manufacture, marking and sale of non-DOT specification reusable rotationally molded polyethylene container, for transportation of corrosive liquids. (Modes 1, 2, 3.)
7640–X	DOT–E 7640	Mauser Packaging Limited, New York, NY.	49 CFR 173.266(a), 178.19	To authorize use of a DOT Specification 34 polyethylene container of 15 gallon capacity for shipment of hydrogen peroxide, 60%. (Modes 1, 2, 3.)
7680–X	DOT–E 7680	Sterling Drug, Inc., New York, NY	49 CFR 173.206(a)(2)	To authorize shipment of a certain flammable solid in a reusable non-DOT specification stainless steel drum. (Mode 1.)
7744–X	DOT–E 7744	Dow Corning Corporation, Midland, MI	49 CFR 172.101, 173.315(a), 178.337–11(c).	To authorize shipment of liquefied anhydrous hydrogen chloride in DOT Specification MC–331 cargo tanks. (Mode 1.)
7753–X	DOT–E 7753	Stauffer Chemical Company, Westport, CT.	49 CFR 173.190(b)(2)	To authorize shipment of yellow phosphorous in a tight-head 55-gallon DOT Specification 17C drum. (Modes 1, 2, 3.)
7802–X	DOT–E 7802	Bennett Industries, Pacoima, CA	49 CFR 173 Subpart D, 173 Subpart F	To authorize shipment of liquid hazardous materials in non-DOT specification 3.5 or 5 gallon capacity removable head polyethylene drums. (Modes 1, 2, 3.)
7835–P	DOT–E 7835	Ideal Gas Products, Inc., Edison, NJ	49 CFR 177.848, Part 107 Appen. B(1)	To become a party to Exemption 7835. (Mode 1.).
7835–X	DOT–E 7835	Scientific Gas Products, Inc., South Plainfield, NJ.	49 CFR 177.848, Part 107 Appen. B(1)	To authorize transport of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
7991–X	DOT–E 7991	Union Pacific Railroad Company, Omaha, NE.	49 CFR Parts 100–177	To renew and to modify paragraph 6(d) pertaining to unattended flag kits. (Mode 1.)
8037–X	DOT–E 8037	Mauser Packaging, Ltd., New York, NY	49 CFR 173.127, 173.184, 178.224	To authorize use of a non-DOT specification fiberboard drum for shipment of wet nitrocellulose. (Modes 1, 2, 3.)
8238–X	DOT–E 8238	ASARCO Incorporated, New York, NY	49 CFR 173.368	To authorize shipment of arsenical flue dust in non-DOT specification reusable bags. (Mode 2.)
8247–X	DOT–E 8247	Container Corporation of America, Wilmington, DE.	49 CFR 173.272(g)	To authorize 5-gallon capacity polyethylene containers for shipment of sulfuric acid. (Modes 1, 2, 3.)
8337–X	DOT–E 8337	Industrial and municipal Engineering, Galva, IL.	49 CFR 173.119(a), (m), 173.245(a), 178.340–7, 49 CFR 173.266(e) 178.342–5, 178.343–5, 178.346(a).	To authorize manufacture, marking and sale of non-DOT Specification cargo tanks complying with DOT Specification MC–307/312 except for bottom outlet valve variation, for shipment of liquid and semi-solid waste material. (Mode 1.)
8381–X	DOT–E 8381	Mobay Chemical Corporation, Kansas City, MO.	49 CFR 173.3(c), 177.854(c)(2), 178.241.	To authorize use of a DOT Specification 44P bag as an overpack for containment of and return of DOT Specification 44D bags of certain Class B poisonous solids damaged in transit. (Modes 1,2.)
8387–X	DOT–E 8387	FMC Corporation, Philandelphia,PA	49 CFR 173.226(e)	To authorize transport of hydrogen peroxide in DOT Specification MC–312 cargo tank aboard cargo vessel. (Mode 3.)
8388–X	DOT–E 8388	B. W. Norton Manufacturing Co., Inc., Oakland, CA.	49 CFR 173 Subpart D, 173 Subpart F, 178.19.	To authorize shipment of liquid hazardous materials in a non-DOT specification five-gallon capacity removable head polyethylene drum. (Modes 1, 2, 3.)
8390–X	DOT–E 8390	Ashland Oil, Inc., Columbus, OH	49 CFR 173.272, 178.210, 178.24a	To authorize shipment of 95%–98% sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (Mode 1.)
8390–P	DOT–E 8390	Mallinckrodt, Inc., Paris, KY	49 CFR 173.272, 178.210, 178.24a	To become a party to Exemption 8390. (Mode 1.)
8395–X	DOT–E 8395	3M Company, St. Paul, MN	49 CFR 173.124(a)(3), 175.3	To authorize shipment of ethylene oxide in inside aluminum cartridges, contents not over 138 grams each, packed in DOT Specification 12B fiberboard boxes. (Modes 1, 2, 3, 4.)
8409–X	DOT–E 8409	ES Science, Division of EM Industries, Inc., Cincinnati, OH.	49 CFR 178.264(a)(4), 178.210	To authorize shipment of hydrofluoric acid solution no greater than 70% strength, in non-DOT specification polyethylene bottles, not exceeding a capacity of 6 liters, packed in DOT Specification 12A fiberboard boxes. (Modes 1, 3.)
8436–X	DOT–E 8436	Pennwalt Corporation, Buffalo, NY	49 CFR 173.119(m), 173.21	To authorize transport of a flammable liquid which is also an organic peroxide, in a DOT Specification MC–331 cargo tank. (Mode 1.)
8437–X	DOT–E 8437	Park Chemical Company, Detroit, MI	49 CFR 173.154, 178.241–4	To authorize shipment of a sodium nitrate mixture in non-DOT specification, nine mil plastic bags of 50 pounds net weight and which are stretch-wrapped 40 bags to a pallet. (Mode 1.)
8439–X	DOT–E 8439	Hydraulic Research Textron, Pacoima, CA.	49 CFR 173.302, 173.304, 175.3, 178.53.	To authorize manufacture, marking and sale of non-DOT specification cylinders complying with DOT Specification 4DS, with certain exceptions, for shipment of various nonflammable compressed gases. (Modes 1, 2, 3, 4, 5.)
8441–P	DOT–E 8441	GTE Products Corporation, Westborough, MA.	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8457–P	DOT–E 8457	Duracell U.S.A., Tarrytown, NY	49 CFR Parts 100–177	To become a party to Exemption 8457. (Modes 1, 2, 3, 4, 5.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8458-X	DOT-E 8458	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.31(c) Table 1	To authorize conversion of DOT Specification 105A500W or 112A400W tank cars to a DOT Specification 111A100W2 tank car for transportation of certain corrosive materials and oxidizers. (Mode 2.)
8464-X	DOT-E 8464	Garrett Pneumatic Systems Division, Phoenix, AZ.	49 CFR 173.302(a)	To authorize manufacture, marking and sale of non-DOT specification nonreusable, nonrefillable toroidal pressure vessels, for transportation of nonflammable, nonliquefied gases. (Modes 1, 4, 5.)
8466-X	DOT-E 8466	Atlas Powder Company, Dallas, TX	49 CFR 173.114a	To authorize shipment of RXL481, classed as a blasting agent in specially designed non-DOT specification cargo tanks. (Mode 1.)
8476-X	DOT-E 8476	Warren Petroleum Company, Tulsa, OK	49 CFR 173.315(a)(1), 173.315(c)(1)	To authorize use of a non-vacuum insulated DOT Specification MC-331 cargo tank, for transportation of flammable gases. (Mode 1.)
8498-X	DOT-E 8498	Hunter Drums Limited, Burlington, Ontario.	49 CFR 178.19, Part 173 Subpart D, Part 173 Subpart F.	To authorize methanol classed as a flammable liquid as an additional commodity. (Modes 1, 2, 3.)
8499-X	DOT-E 8499	Hedwin Corporation, Baltimore, MD	49 CFR 173.119, 173.125, 173.154, 173.272, 173.288, 173.346.	To authorize manufacture, marking and sale of DOT Specification 34 polyethylene drums for shipment of certain flammable, corrosive, oxidizers and Poison B liquids. (Modes 1, 2, 3.)
8554-P	DOT-E 8554	Margraf Explosives, Inc., Rancho Cordova, CA.	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)
8554-P	DOT-E 8554	Buckley Powder Co., Denver, CO	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)
8570-X	DOT-E 8570	Snyder Industries, Inc., Lincoln, NB	49 CFR 173 Subpart F, 173.119, 173.266.	To authorize water as an additional mode of transportation. (Modes 1, 2.)
8560-X	DOT-E 8650	Ethyl Corporation, Baton Rouge, LA	49 CFR 173.354	To authorize a new design portable tank identical to those presently authorized except for use of a single large capacity relief valve in combination with a ruputure disc with no fusible device. (Modes 1, 2, 3.)
8747-P	DOT-E 8747	Rexnord Inc., Commerce City, CO	49 CFR 173.245, 173.249, 175.3	To become a party to Exemption 8747. (Modes 1, 2, 3, 4.)
8853-X	DOT-E 5923	Union Carbide Corporation, Danbury, CT	49 CFR 173.148(a)(4), 173.31(d)(9), 173.314.	To authorize transport of certain gases in DOT Specification 106A500X and 110A500W multi-unit tank car tanks, allows the substitution of visual inspection for hydrostatic retesting. (Modes 1, 2, 3, 4.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8747-N	DOT-E 8747	Copps Industries, Inc., Menomonee Falls, WI.	49 CFR 173.245, 173.249, 175.3	To authorize shipment of certain alkaline corrosive liquids, n.o.s., in an unlined 28/26 gauge DOT Specification 37c80 steel drum of five gallon capacity. (Modes 1,2,3,4.)
8782-N	DOT-E 8782	Sherwin Williams Company, Cleveland, OH.	49 CFR 173.119(a)(23)	To authorize shipment of various flammable liquids in specially-treated DOT Specification 2E polyethylene bottles of one-gallon capacity, packed no more than four to a non-DOT specification corrugated fiberboard box. (Modes 1, 2.)
8789-N	DOT-E 8789	Cleanweld Products, Inc., Irwindale, CA	49 CFR 173.304, 175.3	To authorize manufacture, marking and sale of non-DOT specification small, low pressure cylinders with certain exceptions, for transportation of flammable gases. (Mode 1.)
8808-N	DOT-E 8808	Monitor Labs, Incorporated, San Diego, CA.	49CFR 173.336	To authorize shipment of limited quantities of nitrogen dioxide in a non-DOT specification container, overpacked in a DOT Specification 15A wooden box. (Mode 4.)
8809-N	DOT-E 8809	Continental Forest Industries, Lombard, IL.	49 CFR 178.225, Part 173	To authorize manufacture, marking and sale non-DOT specification fibre drum overpacks for 15-gal capacity inner polyethylene container, similar to DOT-21P/2U except top head is molded polyolefin polymer secured to drum by wire stiches for shipment of commodities authorized in DOT-21P/2U composite. (Modes 1, 2, 3.)
8812-N	DOT-E 8812	The Protectoseal Company, Bensenville, IL.	49 CFR 173.119, 178.89	To authorize manufacture, marking and sale of non-DOT specification steel drums of 5-gallon capacity and comparable to DOT Specification 5L, for shipment of gasoline and gasohol, classed as flammable liquids. (Mode 1.)
8823-N	DOT-E 8823	International Air Transport, Anchorage, AK.	49 CFR 172.101, 173.119, 175.3	To authorize carriage of fuel, aviation turbine engine, classed as a flammable liquid, in DOT Specification 34 polyethylene drums of 15-gallon capacity, loaded in cargo compartments of helicopters. (Mode 4.)
8831-N	DOT-E 8831	Teledyne Energy Systems, Timonium, MD.	49 CFR 172.400, 173.249, 175.3	To authorize transport of small amount of potassium hydroxide solution, in non-DOT specification containers, overpacked in a strong woden case. (Modes 1, 4.)
8841-N	DOT-E 8841	Valmont Oilfield Products Co., Springer, OK.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 except for bottom outlet valve variations for shipment of liquid or semi-solid waste materials. (Mode 1.)
8844-N	DOT-E 8844	Beall, Inc., Billings, MT	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 with certain exceptions, for transportation of certain hazardous materials. (Mode 1.)
8860-N	DOT-E 8660	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.31(e), Retest Table 1	T o authorize extended periods in the retest frequency of DOT Specifications 103CW and 103EW tank cars in chlorosulfonic acid and nitric acid service. (Mode 2.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 6816-X	DOT-E 6816	McDonnell Douglas Astronautics Company, St. Louis, MO.	49 CFR 173.53(p)	To authorize shipment of completely assembled liquid and solid fueled missiles in packaging prescribed in 173.57(a). (Mode 1.)
EE 8892-N	DOT-E 8892	Flying Tiger Line, Los Angeles, CA	49 CFR 172.101 column 6(b), 175.30	To authorize transport of a Class A explosive in an aircraft of United States registry. (Mode 4.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8907-N	DOT-E 8907	U.S. Department of Defense, Washington, DC.	49 CFR 172.101(6)(b), 175.3, 175.30	To authorize air transport of Class A, B and C explosives that are packed, marked, labeled and loaded in accordance with 49 CFR Part 173 or AFR 71-4. (Mode 4.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8353-X	Thiokol Corporation, Huntsville, AL	49 CFR 178.252-2(b)	To authorize an alternate closure device in a DOT Specification 56 portable tank for the transportation of ammonium perchlorate. (Mode 2.)
8705-X	General Electric Company, San Jose, CA	49 CFR 173.395(b)(2), Part 172 Subpart D,E	To authorize shipment of type B quantities of radioactive materials in a certain form contained in other than type B packagings. (Mode 1.)

Denials

8821-N Request by Rocket Research Company, Redmond, WA to authorize shipment of a gas mixture in a non-DOT specification inflator assemply equipped with a burst disk/detonator assembly denied August 30, 1982.

Issued in Washington, DC, on September 17, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-26356 Filed 9-24-82; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 427; Ref: ATF O 1100.77D]

Authority To Affix the Seal of the Department of the Treasury

PURPOSE: This order sets forth delegation of authority to affix the seal of the Department of the Treasury.

CANCELLATION: ATF O 1100.77C, Delegation Order—Authority to Affix the Seal of the Department of the Treasury, dated May 14, 1980, is canceled.

DELEGATION:

a. Pursuant to the authority delegated to the Director, Bureau of Alcohol, Tobacco and Firearms by Treasury Department Order 101-12, dated October 12, 1979, those officials listed below are hereby redelegated authority to affix the seal of the Department of the Treasury in the authentication of originals and copies of books, records, papers, writing, and documents of the Bureau, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(1) Assistant Director (Regulatory Enforcement)

(2) Chief, Trade and Consumer Affairs Division

(3) Chief, Commodity Classification Branch

(4) Chief, Regulations and Procedures Division

(5) Chief, Research and Regulations Branch

(6) Regional Regulatory Administrators

(7) Chief, Investigations Division

(8) Assistant Director (Administration)

(9) Chief, Administrative Programs Division

(10) Chief, Protective Programs and Services Branch

(11) Manager, ATF Distribution Center

(12) Regional Administrative Officers

(13) Assistant Director (Technical and Scientific Services)

(14) Chief, Technical Services Division

(15) Chief, National Firearms Act Branch

b. This authority may not be redelegated.

FOR INFORMATION CONTACT: Robert G. Hardt, Procedures Branch, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20226.

EFFECTIVE DATE: This delegation order becomes effective on September 27, 1982.

Approved: September 10, 1982.

Stephen E. Higgins,

Acting Director.

[FR Doc. 82-26434 Filed 9-24-82; 8:45 am]

BILLING CODE 4810-31-M

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 24-82]

Treasury Notes on September 21, 1982; Series J—1986

September 22, 1982.

The Secretary announced on September 21, 1982, that the interest rate on the notes designated Series J-1986, described in Department Circular—Public Debt Series—No. 24-82 dated September 15, 1982, will be 12¼ percent. Interest on the notes will be payable at the rate of 12¼ percent per annum.

John A. Kilcoyne,

Assistant Fiscal Secretary.

[FR Doc. 82-26488 Filed 9-24-82; 8:45 am]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in four exhibits (included in the lists[1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to agreements between the foreign lenders and the National Gallery of Art, Washington, D.C. The titles of the exhibits and their dates of exhibition at the National Gallery of Art are the following: "Claude Lorrain: A Tercentenary Exhibition" (October 17, 1982 to January 2, 1983); "Braque: The Collages" (October 31, 1982 to January 16, 1983); "David Smith" (November 7,

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

1982 to April 26, 1983); and "Manet and Modern Paris" (December 5, 1982 to March 6, 1983). I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art on or about the periods indicated is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: September 21, 1982.

Charles Z. Wick,

Director.

[FR Doc. 82-26550 Filed 9-24-82; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 187
Monday, September 27, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Tuesday, September 28, 1982.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

NEISS Product Codes

The Commission will consider options related to reducing the product codes used in the National Electronic Injury Surveillance System (NEISS).

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Room 342, 5401 Westbard Avenue, Bethesda, Maryland 20207; telephone (301) 492-6800.

[S-1375-82 Filed 9-23-82; 10:51 am]

BILLING CODE 6355-01-M

2

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, September 30, 1982.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

MATTERS TO BE CONSIDERED:

Request for Waiver of Subordinated Debt Requirements; and Application to Utilize Subordinated Debt Securities to Meet Net Worth Requirements—Santa Barbara Savings and Loan Association, Santa Barbara, California

Application for Bank Membership and Insurance of Accounts—Signal Hill Savings and Loan Association, Signal Hill, California (In Organization)

[No. 62, September 23, 1982]

[S-1374-82 Filed 9-23-82; 9:33 am]

BILLING CODE 6720-01-M

3

FEDERAL HOME LOAN MORTGAGE CORPORATION

TIME AND DATE: 2 p.m., September 30, 1982.

PLACE: Fourth floor conference room 4-G, 1776 G Street, N.W., Washington, D.C.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Scott R. Daugherty.

MATTERS TO BE CONSIDERED: Closed Meeting:

Minutes of August 26, 1982 Board of Directors' Meeting
President's Report
Complete July Financial Statements
Partial August Financial Statements
Minute Entry
Declaration of Regular Quarterly Dividend to Shareholders
Minutes of August 26, 1982 Financing Strategy Meeting
Financial Strategy October 1982
Minute Entry
Hedging Contract Limit Resolution
Maximum Authority for Short-term Debt Resolution
Pre-Sale Long-term Debt Resolution

September 23, 1982.

[S-1377-82 Filed 9-23-82; 2:56 pm]

BILLING CODE 6720-02-M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Friday, October 1, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 23, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1376-82 Filed 9-23-82; 2:56 pm]

BILLING CODE 6210-01-M

5

INTERNATIONAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 41227 September 17, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Thursday, September 30, 1982.

CHANGES IN THE MEETING: Emergency notice cancelling the meeting.

By action jacket CO1-82-02, the United States International Trade Commission, in conformity with 19 CFR 201.37(b), voted to cancel the meeting of Thursday, September 30, 1982, to a date to be determined later.

Commissioners Eckes, Frank, and Haggart determined, by recorded vote, that Commission business requires the change in schedule and affirmed that no earlier announcement of cancellation of the meeting was possible, and directed the issuance of this notice at the earliest practicable time. Commissioner Stern voted to disapprove cancellation of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1378-82 Filed 9-23-82; 8:45 am]

BILLING CODE 7020-02-M

6

NUCLEAR REGULATORY COMMISSION

DATE: Week of September 27, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, September 28:*

2:00 p.m.:
Discussion of TMI-1 Restart—Status of Staff Effort on Psychological Stress (Closed—Exemption 10)

Wednesday, September 29:

3:00 p.m.
Briefing on Quality Assurance (Public Meeting)

Thursday, September 30:

9:30 a.m.:

Discussion and Possible Vote on Full Power Operating License for Susquehanna–1 (Public Meeting)

1:30 p.m.:

Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemption 2 and 6)

4:15 p.m.:

Affirmation/Discussion and Vote (Public Meeting):

a. Final Rule, "Environmental Qualification of Electric Equipment Important to Safety for Nuclear Power Plants" (Tentative)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the date of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Linda Stoloff (202) 634–1410.

Linda Stoloff,

Office of the Secretary.

[S–1373–82 Filed 9–22–82; 4:57 pm]

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federal register

Monday
September 27, 1982

Part II

Department of the Interior

Fish and Wildlife Service

Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the late open seasons, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; additional sandhill crane seasons in the Central Flyway and in Arizona; coots, gallinules, and snipe in the Pacific Flyway; and additional falconry seasons. Taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The rules will permit taking of the designated species during the 1982–83 season within specified periods of time beginning as early as October 1, as has been the case in past years, and benefit the public by opening the seasons which are presently closed.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C., telephone 202–254–3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On April 19, 1982, the U.S. Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (47 FR 16718) a proposal to amend 50 CFR Part 20, with comment periods ending June 23, July 16, and August 23 (later extended to August 30), 1982, respectively, for the 1982–83 hunting season frameworks proposed for Alaska, Puerto Rico, and the Virgin Islands; other early seasons; and the late seasons. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory game birds under §§ 20.101 through 20.107 and 20.109 of Subpart K. On June 15, 1982, the Service published in the **Federal Register** (47 FR 25922) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 12, 1982, the Service published for public comment in the **Federal Register** (47 FR 30162) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 19, 1982, the Service published in the **Federal Register** (47 FR 31282) a fourth document consisting of final frameworks for Alaska, Puerto Rico, and the Virgin Islands. On August 9, 1982, the Service published a fifth document (47 FR 34498) consisting of a final rulemaking for the early season frameworks for migratory bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1982–83 season. On August 20, 1982, the Service published for public comment in the **Federal Register** (47 FR 36578) a sixth document consisting of a proposed rulemaking dealing specifically with frameworks for late season migratory bird hunting regulations. On August 30, 1982, the Service published in the **Federal Register** (47 FR 38246) a seventh document consisting of a final rule amending Subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in Florida, Iowa, Kentucky, and Tennessee; sandhill cranes in the Central Flyway and Arizona; sandhill cranes and Canada geese in southwestern Wyoming; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and special falconry season. On September 17, 1982, the Service published in the **Federal Register** an eighth document (47 FR 41252) consisting of a final rulemaking for the late season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected late season hunting dates, hours, areas, and limits for the 1982–83 season. The final rule described here is the ninth in a series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amending Subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for species subject to late hunting regulations. These regulations will take effect immediately upon publication.

These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Nontoxic Shot Regulations

On August 13, 1981, the Service published in the **Federal Register** (46 FR 40879) final rules describing nontoxic shot zones for waterfowl hunting. When eaten by waterfowl, spent lead pellets can have a toxic effect. Nontoxic shot zones reduce availability of lead pellets in selected waterfowl feeding areas.

Amendments to these regulations were published in the **Federal Register** (47 FR 32546; July 28, 1982). These amendments relate to changes in Maine, Massachusetts, Indiana, and Nebraska. Texas, South Dakota, and Colorado have regulations requiring steel shot for waterfowl hunting in areas not included in the Federal regulations published in the **Federal Register** on August 13, 1981 (46 FR 40879). Zones in other States will remain as they were described on August 13, 1981 (46 FR 40879).

Some national wildlife refuges require use of steel shot on hunting areas within their boundaries, and these rules are published with other regulations regarding public use of the refuges (Title 50 CFR Part 32—Hunting).

Waterfowl hunters are advised to become familiar with State and local regulations regarding the use of nontoxic shot for waterfowl hunting.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 24241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. The 1975 FES is now out of print but copies of the environmental assessments are available from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

The Service recently issued a supplement to the environmental assessment titled Proposed Hunting Regulations on Black Ducks, issued in

August 1976. Copies of the supplement are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Endangered Species Act Consideration

Compliance with Section 7 of the Endangered Species Act, insofar as late season regulations frameworks are concerned, was described in the **Federal Register** dated August 30, 1982 (47 FR 38246). As a result of intra-Service Section 7 consultation, Mr. John L. Spinks, Chief, Office of Endangered Species, concluded in a biological opinion dated July 1, 1982:

> Therefore, it is my biological opinion that your action, as proposed, is not likely to jeopardize the continued existence of the above listed species or result in the destruction or adverse modification of the American peregrine falcon, whooping crane, or Everglade kite Critical Habitat.

The Service wishes to reiterate that delays or closures of migratory bird hunting seasons will be considered and invoked when justified, for the protection of endangered species.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for public inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Regulatory Flexibility Act and Executive Order 12291

In the **Federal Register** dated April 19, 1982 (at 47 FR 16722), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Memorandum of Law

The Service Published its Memorandum of Law, required by Section 4 of Executive Order 12291, in the **Federal Register** dated July 19, 1982 (at 47 FR 31283).

Regulations Promulgation

After analysis of the migratory game bird survey data obtained through investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the late season proposals (47 FR 16718), April 19, 1982; 47 FR 25922, June 15, 1982; and 47 FR 36578, August 20, 1982), the Service published in the **Federal Register** on September 17, 1982 (47 FR 41252) final late season frameworks. Copies of the final frameworks were also sent to the officials of the State conservation agencies who were invited to submit recommendations for hunting seasons which complied with the season times and lengths, hours, areas, and limits specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The following amendments will permit taking of the designated species within specified time periods beginning as early as October 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The rulemaking process for migratory game bird hunting, must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when proposed rulemakings were published on April 19, June 15, and August 20, 1982, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to select their season dates, shooting hours, hunting areas, and limits; to communicate those selections to the Service; and to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) (Administrative Procedure Act), and these regulations will, therefore, take effect immediately upon publication.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Dated: September 21, 1982.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

PART 20—MIGRATORY BIRD HUNTING

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of Title 50, Chapter I, Subchapter B, Part 20, Subpart K, are hereby amended.

The late hunting season regulations will not be included in the annual codification of Title 50 CFR, Wildlife and Fisheries, inasmuch as most seasons will have terminated by the time that the annual codification is issued.

BILLING CODE 4310-55-M

Section 20.104 is revised to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are as follows:

	Rails (Sora & Virginia)	Rails (Clapper & King)	Woodcock	Common Snipe
Daily bag limit	25 (1)	See footnote (2).	5	8
Possession limit	25 (1)	See footnote (2).	10	16

Shooting Hours: One-half hour before sunrise until sunset daily on all species, except as noted otherwise.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Seasons in the Atlantic Flyway:				
Connecticut	Sept. 1-Nov. 6	Sept. 1-Nov. 6	Oct. 16-Dec. 4.	Oct. 16-Dec. 4.
Delaware	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 18-Oct. 30 & Nov. 15-Jan. 5.	Oct. 18-Oct. 30 & Nov. 15-Jan. 31.
Florida	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Dec. 4-Feb. 6	Nov. 6-Feb. 20.
Georgia	Sept. 14-Nov. 22	Sept. 14-Nov. 22	Nov. 20-Jan. 23	Nov. 20-Feb. 28.
Maine	Sept. 1-Nov. 7	Closed.	Oct. 5-Dec. 8	Sept. 1-Dec. 15.
Maryland	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 11-Nov. 26 & Dec. 6-Dec. 23.	Sept. 13-Dec. 28.
Massachusetts	Sept. 1-Nov. 9	Closed.	Oct. 10-Nov. 27(3)	Sept. 1-Dec. 16.
New Hampshire	Closed.	Closed.	Oct. 5-Dec. 8	Oct. 5-Dec. 8.
New Jersey:				
North Zone (4)	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 5-Nov. 27	Oct. 2-Nov. 11 & Nov. 15-Jan. 19.
South Zone (4)	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 23-Dec. 4 & Dec. 18-Dec. 29.	Oct. 2-Nov. 11 & Nov. 15-Jan. 19.
New York:				
Northern Zone (4) including Lake Champlain	Sept. 1-Nov. 9	Closed.	Oct. 5-Dec. 8	Sept. 1-Dec. 8.
Long Island	Closed.	Closed.	Oct. 5-Dec. 8	Closed.
Remainder of State	Sept. 1-Nov. 9	Closed.	Oct. 5-Dec. 8	Sept. 1-Dec. 8.
North Carolina	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 12-Jan. 15	Nov. 12-Feb. 26.
Pennsylvania	Sept. 1-Nov. 9	Closed.	Oct. 16-Dec. 14	Oct. 16-Dec. 14.
Rhode Island	Sept. 16-Nov. 24	Sept. 16-Nov. 24	Oct. 16-Dec. 3 & Dec. 13-Dec. 28.	Sept. 15-Dec. 3 & Dec. 13-Jan. 2.
South Carolina	Sept. 14-Oct. 19 & Nov. 1-Dec. 4	Sept. 14-Oct. 19 & Nov. 1-Dec. 4	Nov. 25-Jan. 28	Nov. 12-Feb. 26.
Vermont	Sept. 25-Nov. 28	Closed.	Oct. 5-Nov. 28	Sept. 25-Nov. 28.
Virginia	Sept. 11-Nov. 19	Sept. 11-Nov. 19	Nov. 1-Jan. 4	Oct. 18-Jan. 31.
West Virginia	Sept. 6-Nov. 13	Closed.	Oct. 16-Dec. 18	Sept. 6-Dec. 21.
Seasons in the Mississippi Flyway:				
Alabama	Nov. 10-Jan. 18	Nov. 10-Jan. 18	Nov. 27-Jan. 30	Nov. 13-Feb. 27.
Arkansas	Sept. 1-Nov. 9	Closed.	Nov. 1-Jan. 4	Nov. 20-Feb. 28.
Illinois	Sept. 1-Nov. 9	Closed.	Oct. 1-Dec. 4	Sept. 11-Dec. 26.
Indiana	Sept. 1-Nov. 9	Closed.	Sept. 18-Nov. 21	Sept. 1-Dec. 16.
Iowa (5)	Sept. 4-Nov. 12	Closed.	Sept. 18-Nov. 21	Sept. 4-Dec. 19.
Kentucky	Nov. 12-Jan. 20	Closed.	Oct. 2-Dec. 5	Oct. 2-Dec. 5.
Louisiana	Sept. 18-Sept. 26 & Nov. 6-Jan. 5.	Sept. 18-Sept. 26 & Nov. 6-Jan. 5.	Dec. 11-Feb. 13	Nov. 6-Feb. 20.
Michigan (6)	Sept. 15-Nov. 14	Closed.	Sept. 15-Nov. 14	Sept. 15-Nov. 14.
Minnesota	Sept. 1-Nov. 4	Closed.	Sept. 1-Nov. 4	Sept. 1-Nov. 4.
Mississippi	Oct. 23-Dec. 31	Oct. 23-Dec. 31	Dec. 25-Feb. 27	Nov. 13-Feb. 27.
Missouri	Sept. 1-Nov. 9	Closed.	Oct. 1-Dec. 4	Oct. 1-Dec. 4.
Ohio	Sept. 1-Nov. 9	Closed.	Sept. 17-Nov. 20	Sept. 1-Nov. 27 & Dec. 6-Dec. 24.
Tennessee	Dec. 2-Jan. 20	Closed.	Oct. 16-Nov. 21 & Feb. 1-Feb. 28.	Nov. 19-Feb. 28.
Wisconsin	Oct. 1 (noon)-Oct. 10 & Oct. 16-Nov. 24	Closed.	Sept. 18-Nov. 21	Oct. 1 (noon)-Oct. 10 & Oct. 16-Nov. 24.
Seasons in the Central Flyway:				
Colorado (7)	Sept. 1-Nov. 9	Closed.	Closed.	Sept. 1-Nov. 9 & Dec. 11-Jan. 2.
Kansas	Sept. 11-Nov. 19	Closed.	Oct. 2-Dec. 5	Sept. 11-Dec. 26.
Montana (7)	Closed.	Closed.	Closed.	Oct. 2-Nov. 30.
Nebraska (8)	Sept. 1-Nov. 9	Closed.	Sept. 15-Nov. 18	Sept. 1-Dec. 15.
New Mexico (7)	Sept. 11-Nov. 19	Closed.	Closed.	Sept. 11-Dec. 12.
North Dakota	Closed.	Closed.	Closed.	Sept. 18-Nov. 28.
Oklahoma	Sept. 1-Nov. 8	Closed.	Nov. 20-Jan. 23	Oct. 20-Feb. 3.
South Dakota (9)	Closed.	Closed.	Closed.	Sept. 1-Oct. 31.
Texas	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 27-Jan. 30	Nov. 1-Feb. 13.
Wyoming (7)	Sept. 25-Dec. 3	Closed.	Closed.	Sept. 25-Jan. 9.
Seasons in the Pacific Flyway:				
Arizona	Closed.	Closed.	Closed.	Oct. 8-Nov. 3 & Nov. 19-Jan. 23.
California:				
Northeastern Zone (4)	Closed.	Closed.	Closed.	Oct. 16-Jan. 16.
Colorado River Zone (4)	Closed.	Closed.	Closed.	Oct. 8-Nov. 3 & Nov. 19-Jan. 23.
Remainder of State	Closed.	Closed.	Closed.	Oct. 23-Jan. 23.
Colorado (7)	Sept. 1-Nov. 9	Closed.	Closed.	Sept. 1-Nov. 9 & Dec. 11-Jan. 2.
Idaho:				
Columbia Basin (4)	Closed.	Closed.	Closed.	Oct. 2-Jan. 9.
Remainder of State	Closed.	Closed.	Closed.	Oct. 2-Jan. 2.
Montana (7)	Closed.	Closed.	Closed.	Oct. 2-Jan. 2.
Nevada:				
Clark County	Closed.	Closed.	Closed.	Oct. 23-Jan. 23.
Remainder of State	Closed.	Closed.	Closed.	Oct. 9-Jan. 9.
New Mexico (7)	Sept. 11-Nov. 19	Closed.	Closed.	Sept. 11-Dec. 12.
Oregon	Closed.	Closed.	Closed.	Oct. 16-Jan. 16.
Utah (10)	Closed.	Closed.	Closed.	Oct. 2-Jan. 2.
Washington:				
Eastern Washington (4), (10)	Closed.	Closed.	Closed.	Oct. 9-Jan. 16.
Western Washington (4), (10)	Closed.	Closed.	Closed.	Oct. 9-Jan. 9.
Wyoming (7)	Sept. 25-Dec. 3.	Closed.	Closed.	Sept. 25-Dec. 26.

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

(2) In addition to the limits on sora and Virginia rails, in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, except that the season is closed on king rails in New Jersey by State regulation. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these two species.

(3) Limits are 2 daily and 4 in possession.

(4) For description of zones or management units within a State, see State regulations.

(5) In Iowa, shooting hours are sunrise to sunset. Rail limits are 15 daily and 25 in possession.

(6) In Michigan, in all or portions of the counties of Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola and Wayne, and adjacent Great Lakes and connecting waters, the rail and snipe seasons shall open concurrently with the duck season and run continuously in all areas through November 14. See State regulations.

(7) The Central Flyway portion consists of: Colorado and Wyoming — the area lying east of the Continental Divide; Montana — the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; New Mexico — the area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation. The remaining portions of these States are in the Pacific Flyway.

(8) In Nebraska the rail limits are 10 daily and in possession.

(9) In South Dakota, the snipe limits are 5 daily and 15 in possession.

(10) In Utah and Eastern Washington, on the first day, the season opens at 12 noon; and in Western Washington, on the first day, the season opens at 8 a.m.

Section 20.105 is amended to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) Sea Ducks.

(1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 15, 1982, and January 20, 1983, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:	
Connecticut	Sept. 25–Jan. 8.
Delaware	Sept. 25–Jan. 8.
Georgia	Nov. 24–Jan. 20.
Maine	Oct. 1–Jan. 15.
Maryland	Oct. 6–Jan. 20.
Massachusetts	Oct. 1–Jan. 15.
New Hampshire	Sept. 15–Dec. 30.
New Jersey	Oct. 6–Jan. 20.
New York (Long Island only)	Sept. 23–Jan. 7.
North Carolina	Oct. 6–Jan. 20.
Rhode Island	Oct. 2–Jan. 16.
South Carolina	Oct. 6–Jan. 20.
Virginia	Oct. 6–Jan. 20.

(4) Notwithstanding the provisions of this Part 20 the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) Teal. September season:

* * * * *

(c) Gallinules.

Limits in the Atlantic, Mississippi, and Central Flyways:	
Daily bag limit	15
Possession limit	30
Limits in the Pacific Flyway:	
The daily bag and possession limits are 25 gallinules and coots singly or in the aggregate of these two species.	
Shooting hours: One-half hour before sunrise to sunset.	

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Seasons in the Atlantic Flyway:	
Connecticut	Sept. 1–Nov. 6.
Delaware	Sept. 1–Nov. 9.
Florida (1)	Sept. 1–Nov. 9.
Georgia	Oct. 9–Oct. 12 & Nov. 24–Nov. 28 & Dec. 11–Jan. 20.
Maine	Sept.1–Nov. 7.
Maryland	Sept. 1–Nov. 9.
Massachusetts	Sept. 1–Nov. 9.
New Hampshire	Closed.
New Jersey	Sept. 1–Nov. 9.
New York:	
Long Island	Closed.
Remainder of State	Sept. 1–Nov. 9.
North Carolina	Sept. 1–Nov. 9.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Sept. 16–Nov. 24.
South Carolina	Sept. 14–Oct. 19 & Nov. 1–Dec. 4.
Vermont	Sept. 25–Nov. 28.
Virginia	Oct. 6–Oct. 9 & Nov. 23–Dec. 4 & Dec. 13–Jan. 15.
West Virginia:	
Zone 1	Oct. 1–Oct. 16 & Dec. 13–Jan. 15.
Zone 2	Oct. 1–Oct. 16 & Nov. 1–Dec. 4.
Seasons in the Mississippi Flyway	
Alabama	Nov. 10–Jan. 18.
Arkansas	Nov. 7–Jan. 15.
Illinois	Closed.
Indiana	Sept. 1–Nov. 9.
Iowa	Closed.
Kentucky	Nov. 12–Jan. 20.
Louisiana	Sept. 18–Sept. 26 & Nov. 6–Jan. 5.
Michigan:	
Northern and Middle Zones	Oct. 2–Nov. 2.
Southern Zone	Oct. 16–Nov. 28.
Minnesota	Oct. 2–Nov. 20.
Mississippi	Sept. 11–Sept. 19 & Oct. 23–Dec. 22.
Missouri	Closed.
Ohio	Sept. 1–Nov. 9.
Tennessee	Dec. 2–Jan. 20.
Wisconsin (2)	Oct. 1 (noon)–Oct. 10 & Oct. 16–Nov. 24.
Seasons in the Central Flyway:	
Colorado (3)	Closed.
Kansas	Closed.
Montana (3)	Closed.
Nebraska	Closed.
New Mexico (3)	Oct. 19–Dec. 27.
North Dakota	Closed.
Oklahoma	Sept. 1–Nov. 8.
South Dakota	Closed.
Texas	Sept. 1–Nov. 9.
Wyoming (3)	Closed.
Seasons in the Pacific Flyway:	
Arizona	Oct. 8–Nov. 3 & Nov. 19–Jan. 23.
California:	
Northeastern Zone	Oct. 16–Jan. 16.
Colorado River Zone	Oct. 8–Nov. 3 & Nov. 19–Jan. 23.
Remainder of State	Oct. 23–Jan. 23.
Nevada:	
Clark County	Oct. 23–Jan. 23.
Remainder of State	Oct. 9–Jan. 9.
New Mexico (4)	Oct. 2–Jan. 2.
All other States	Closed.

Note: See footnotes to waterfowl tables for descriptions of zones.

(1) The gallinule season in Florida applies to the common gallinule only. There is no open season on the purple gallinule in Florida.

(2) On the first day the season opens at 12 noon.

(3) Seasons apply to Central Flyway portion of State only.

(4) Season and limits apply to Pacific Flyway portion of State only.

(d) Waterfowl and coots in Atlantic, Mississippi, Central, and Pacific Flyways.

ATLANTIC FLYWAY

Flywaywide Restrictions.

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

Wood ducks — No more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be possessed. Exceptions: during duck seasons prior to October 16, 1981, in Georgia, North Carolina, and South Carolina, under conventional regulations, no special restrictions within the regular daily bag and possession limits shall apply to wood ducks; in Virginia, under the point system, the point value of wood ducks shall be 25. The daily bag and possession limit in Vermont and Massachusetts is 1 and 2 birds, respectively.

Hooded mergansers — In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be possessed.

Canvasbacks and redheads — Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit on redheads throughout the flyway is 2 daily, except that in areas open to canvasback harvest the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback. The canvasback possession limit is equal to the daily bag limit. The possession limit on redheads is twice the daily bag limit under conventional regulations. Under the point system, canvasbacks (except in closed areas) count 100 points each and redheads flywaywide count 70 points each. Areas closed to canvasback hunting are:

New York — Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey — Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

North Carolina — Those portions of the State lying east of U.S. Highway 1.

Maryland and Virginia — The entire State.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season Dates	Limits Bag	Limits Possession
Connecticut			
Ducks:			
North Zone (1)	Oct. 16-Nov. 3 & Nov. 25-Dec. 25.	4	8
South Zone (1)	Oct. 13-Oct. 16 & Nov. 24-Jan. 8.		
including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
North Zone	Oct. 16-Jan. 13.		
South Zone	Oct. 13-Oct. 16 & Nov. 5-Jan. 29.		
Canada		3	6
Snow (including blue)		4	8
Brant:		2	4
North Zone	Dec. 17-Jan. 15.		
South Zone	Dec. 22-Jan. 20.		
Delaware			
Ducks:	Oct. 4-Oct. 9 & Nov. 1-Nov. 27 & Dec. 16-Jan. 1.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 1-Jan. 29.	4	8
Snow (including blue)	Nov. 1-Jan. 29.	4	8
Brant	Dec. 3-Jan. 1.	2	4
Florida			
Ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit	Sept. 25-Sept. 29.	4	8
Ducks	Nov. 24-Dec. 5 & Dec. 11-Jan. 17.	Point system.	
Coots		15	30
Geese	Closed.	-	-
Georgia			
Ducks:	Oct. 9-Oct. 12 (2) & Nov. 24-Nov. 28 & Dec. 11-Jan. 20.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Closed.	-	-
Brant	Closed.	-	-
Maine			
Ducks:		4	8
North Zone (Wildlife Management Units 1-5)	Oct. 1-Nov. 19.		
including no more than Black ducks		1	2
South Zone (Wildlife Management Units 6-8)	Oct. 1-Oct. 16 & Nov.15-Dec. 12.		
including no more than Black ducks	Oct. 1-Oct. 16.	Closed.	
	Nov. 15-Dec. 18.	2	4
Mergansers		5	10
Coots		15	30
Geese:			
including no more than:			
Canada	Oct. 1-Dec. 9	3	6
Snow (including blue)	Oct. 1-Dec. 29.	4	8
Brant	Oct. 1-Oct. 30.	2	4
Maryland			
Ducks (except canvasbacks):	Oct. 7-Oct. 9 & Nov. 13-Nov. 26 & Dec. 7-Jan. 8.	Point system.	
Canvasbacks	Season closed.		
Coots		15	30
Geese:			
Canada:			
Delmarva Peninsula (3)	Oct. 22-Nov. 26 & Dec. 7-Jan. 29.	3	6
Remainder of State	Oct. 28-Nov. 26 & Dec. 7-Jan. 15.	3	6
Snow (including blue)	Oct. 22-Nov. 26 & Dec. 7-Jan. 29.	4	8
Brant	Dec. 7-Jan. 6.	2	4
Massachusetts			
Ducks:			
Inland Zone	Oct. 15-Nov. 13 & Nov. 22-Dec. 11.	5	10
including no more than:			
Black ducks		1	2
Coastal Zone	Oct. 20-Oct. 30 & Nov. 24-Jan. 1.	4	8
including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Inland Zone	Oct. 15-Nov. 12 & Nov. 22-Jan. 1.		
Coastal Zone	Oct. 20-Nov. 6 & Nov. 25-Jan. 15.		
Canada		3	6
Snow (including blue)		4	8
Brant:			
Inland Zone	Closed.		
Coastal Zone	Nov. 25-Dec. 24.	2	4
New Hampshire			
Ducks:		4	8
Inland Zone	Oct. 6-Nov. 24.		
Coastal Zone	Oct. 6-Oct. 17 & Nov. 6-Dec. 13.		
including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 6-Dec. 14.	3	6
Snow (including blue)	Oct. 6-Jan. 3.	4	8
Brant:		2	4
Inland Zone	Oct. 6-Nov. 4.		
Coastal Zone	Nov. 6-Dec. 5.		
New Jersey			
Ducks:		Point system (5).	
North Zone (4)	Oct. 2-Oct. 30 & Dec. 18-Jan. 7.		
South Zone (4)	Oct. 23-Oct. 30 & Nov. 25-Jan. 5.		
Coastal Zone (4)	Oct. 23-Oct. 30 & Nov. 25-Jan. 5.		
Coots		15	30
Geese:			
Canada			
North Zone	Oct. 2-Nov. 8 & Nov. 25-Jan. 15.	4	8

South Zone	Oct. 9-Oct. 30 & Nov. 25-Jan. 31.		
Coastal Zone	Oct. 2-Oct. 30 & Nov. 25-Jan. 24.		
Snow (including blue)	Oct. 9-Nov. 11 & Nov. 15-Jan. 8.	4	8
Brant	Oct. 23-Oct. 30 & Nov. 25-Dec. 16.	2	4
New York			
Long Island Area:			
Ducks:	Nov. 17-Jan. 5.	4	8
including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:	Nov. 17-Jan. 31.		
Canada		3	6
Snow (including blue)		4	8
Brant	Dec. 7-Jan. 5.	2	4
Lake Champlain Area:			
Ducks:	Oct. 2 (12)-Oct. 10 & Oct. 16-Nov. 25.	5	10
including no more than:			
Black ducks		1	2
Wood duck		1	2
Mergansers		5	10
Coots		15	30
Geese:	Oct. 2 (12)-Dec. 10.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 2 (12)-Nov. 31.	2	4
Northeastern Zone (6):			
Ducks:	Oct. 6-Oct. 31 & Nov. 12-Dec. 5.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:	Oct. 6-Jan. 3.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 20-Nov. 18.	2	4
Southeastern Zone (6):			
Ducks:	Oct. 13-Oct. 24 & Nov. 5-Dec. 12.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:	Oct. 6-Jan. 3.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 20-Nov. 18.	2	4
West Zone (6):			
Ducks:	Oct. 13-Nov. 18 & Dec. 22-Jan. 3.	5	10
Including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:	Oct. 6-Jan. 3.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 20-Nov. 18.	2	4
North Carolina			
Ducks:	Oct. 1-Oct. 2 (2) & Nov. 25-Nov. 27 & Dec. 7-Jan. 20.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Dec. 20-Jan. 31.	1	2
Snow (including blue)	Nov. 3-Jan. 31.	4	8
Brant	Dec. 22-Jan. 20.	2	4
Pennsylvania			
Ducks:		4	8
including no more than:			
Black ducks		2	4
Wood ducks		2	4
North Zone (7)	Oct. 2 (8)-Nov. 20.		
South Zone (7)	Oct. 16-Nov. 13 & Nov. 24-Dec. 14.		
Northwest Zone (7)	Oct. 9 (8)-Oct. 16 & Oct. 25 (8)-Dec. 4.		
Lake Erie Zone (7)	Oct. 23-Dec. 11.		
Mergansers		5	10
Coots		15	30
Geese:			
Canada		3	6
Snow (including blue)		4	8
North Zone (7)	Oct. 2 (8)-Dec.10.		
South Zone (7), (9)	Oct. 16-Dec. 24.		
Northwest Zone (7), (9)	Oct. 9 (8)-Dec. 17.		
Lake Erie Zone (7), (9)	Oct. 9-Dec. 17.		
Canada (in Southeastern Zone only) (9), (10)	Oct. 16 (8)-Jan. 13.	4	8
Brant	Oct. 23 (8)-Nov. 20.	2	4
Rhode Island			
Ducks:	Oct. 7-Oct. 11 & Nov. 24-Jan. 7.	5	10
including no more than:			
Black ducks		1	2
Wood ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 7-Oct. 11 & Nov. 6-Jan. 29.	3	6
Snow (including blue)		4	8
Brant	Dec. 22-Jan. 20.	2	4
South Carolina			
Ducks:	Oct. 7-Oct. 9 (2) & Nov. 24-Nov. 27 & Dec. 9-Jan. 20.	5	10
including no more than:			
Black duck (11)		1	2
Mottled duck	Closed.	-	-
Mergansers		5	10
Coots		15	30
Geese:			
Anderson, Beaufort, Chester, Colleton, Fairfield, Kershaw, Lancaster, McCormick, Newberry, Oconee, Richland, and Union Counties	Closed.	-	-
Remainder of State			
Canada	Dec. 20-Jan. 31.	1	2
Snow (including blue)	Oct. 7-Oct. 9 & Nov. 24-Nov. 27 & Dec. 9-Jan. 20.	4	8
Brant	Dec. 22-Jan. 20.	2	4
Vermont			
Ducks:	Oct. 2 (12)-Oct. 10 & Oct. 16-Nov. 25.	5	10
including no more than:			
Black ducks		1	2
Wood ducks		1	2
Mergansers		5	10
Coots		15	30
Geese (13):	Oct. 2 (12)-Dec. 10.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 2 (12)-Oct. 31.	2	4
Virginia			
Ducks (except canvasbacks):	Oct. 6-Oct. 9 & Nov. 23-Dec. 4 & Dec. 13-Jan. 15.	Point system (14).	
Canvasbacks	Season closed.	-	-
Coots		15	30
Geese:			
Canada:			
Back Bay Area (15)	Oct. 6-Oct. 9 & Nov. 23-Dec. 4 & Dec. 13-Jan. 15.	2	4
Delmarva Peninsula Area	Nov. 3-Jan. 31.	4	8
Remainder of State	Nov. 12-Jan. 20.	3	6
Snow (including blue):			
Back Bay Area (16)	Nov. 23-Dec. 4 & Dec. 13-Jan. 15.	4	8
Remainder of State	Nov. 3-Jan. 31.	4	8
Brant	Dec. 17-Jan. 15.	2	4
West Virginia			
Ducks:		4	8
Allegheny Mountain Upland Zone (Zone 2) (17)	Oct. 1-Oct. 16 & Nov. 1-Dec. 4.		
Remainder of State (Zone 1)	Oct. 1-Oct. 16 & Dec. 13-Jan. 15.		
including no more than:			
Black ducks		2	4
Canvasbacks		1	1
Redheads		1	1
Mergansers		5	10
Coots		15	30
Geese:			
Allegheny Mountain Upland Zone (Zone 2) (17)	Oct. 1-Oct. 16 & Nov. 1-Dec. 4.		

Remainder of State (Zone 1)	Oct. 1-Oct. 16 & Dec. 13-Jan. 15.		
Canada		1	1
Snow (including blue)		4	8
Brant	Closed.	-	-

(1) In Connecticut, the North Zone is that portion of the State north of Interstate 95. The South Zone is that portion of the State south of Interstate 95.

(2) No special daily bag and possession limit restrictions apply to wood ducks in Georgia during October 9-October 12, in South Carolina during October 7-October 9, and in North Carolina during October 1-October 2, and in Virginia during October 6-October 9. In North Carolina the sea duck season is closed during the period October 1 through October 3.

(3) In Maryland, the Delmarva Peninsula includes the counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester.

(4) In New Jersey, the Coastal Zone is that portion of the State seaward of a continuous line beginning at the New York State boundary line in Raritan Bay; then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May City and continuing to the Delaware boundary in Delaware Bay. The North Zone is that portion of the State west of the Coastal Zone and north of a boundary formed by Route 70, west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River. The South Zone is that portion of the State not within the North Zone or the Coastal Zone.

(5) In New Jersey, the green-winged teal is assigned 25 points.

(6) In New York, the Western Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border. The Northeastern and Southeastern Zones are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton; then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with Interstate Highway 87 at Saratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

(7) In Pennsylvania, the Lake Erie Zone includes the Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula. The North Zone includes that portion of the State north of I-80 from the New Jersey State line west to the junction of State Route 147, then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junction with the Allegheny River, and then north along but not including the Allegheny River to the New York border. The Northwest Zone includes that portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by and including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line. The South Zone is the remaining portion of the State.

(8) In Pennsylvania, on the first day, the waterfowl season in the North, and Northwest Duck Zones opens at 8 a.m.

(9) In Pennsylvania, in Butler, Crawford, Erie, and Mercer Counties, and in the controlled shooting sections of the Pymatuning and Middle Creek Wildlife Management Areas, the Canada goose daily bag limit is 1 and the possession limit is 2.

(10) In Pennsylvania, the Southeastern Zone (for Canada geese only) is that portion of the State lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border.

(11) The season is closed on black ducks in Georgetown, Charleston, and Colleton Counties.

(12) In Vermont and in the Lake Champlain Zone of New York, on opening day, October 2, shooting hours are from 8 a.m. to 4 p.m. During October 3-October 6, the hours are one-half hour before sunrise to 4 p.m. The remaining days are one-half hour before sunrise to sunset.

(13) See State regulations for further limit restrictions for Dead Creek Area, Addison County, Vermont.

(14) In Virginia, the wood duck is assigned 25 points during the October 6-October 9 season.

(15) In Virginia, the Back Bay Area is defined for Canada geese as those portions of the cities of Virginia Beach and Chesapeake lying east of U.S. Highway 17 and Interstate 64.

(16) In Virginia, the Back Bay Area is defined for snow (including blue) geese as the waters of Back Bay and its tributaries and the marshes adjacent thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shore of North Landing River and the marshes adjacent thereto, and on and along the shores of Lake Tecumseh and Red Wing Lake and the marshes adjacent thereto.

(17) In West Virginia the Allegheny Mountain Upland Zone (Zone 2 in State regulations) is contained within the following circumscribed boundaries. The north boundary is the State line adjacent to Pennsylvania and Maryland. The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. Route 50, and follows U.S. Route 50 to the intersection with State Route 93. The boundary follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to Petersburg. At Petersburg, the boundary follows State Route 28 south to Minnehaha Springs, and then follows State Route 39 west to U.S. Route 219 and follows 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows Route 19 north to the intersection of I-79, and follows I-79 north to the Pennsylvania State line. The Remainder of the State (Zone 1 in State regulations) is that portion outside the above boundaries.

MISSISSIPPI FLYWAY

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables.

	Season Dates	Limits Bag	Limits Possession
Alabama			
Ducks (1):		Point system.	
North Zone (2)	Dec. 2-Jan. 20.		
South Zone (2)	Nov. 18-Nov. 28 & Dec. 9-Jan. 16.		
Coots		15	30
Geese:		5	10
Barbour, Henry, and Russell Counties	Closed.	-	-
Pickwick, Wilson, and Wheeler Reservoirs west of U.S. Highway 31	Dec. 2-Jan. 20.		
Remainder of State	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Arkansas			
Ducks	Nov. 20-Dec. 12 & Dec. 18-Jan. 13.	Point system.	
Coots		15	30
Geese:		5	10
Canada	Closed.	-	-
Other geese	Nov. 12-Jan. 20.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
Illinois			
Ducks (1):		Point system.	
North Zone (3)	Oct. 13-Dec. 1.		
Central Zone (3)	Oct. 21-Dec. 9.		
South Zone (3)	Oct. 28-Dec. 16.		
Coots		15	30
Geese (4):		5	10
Canada (5)			
North Zone (3)			
Tri-County Area (6)	Nov. 5-Nov. 14.	1	4
Remainder of North Zone	Oct. 13-Nov. 21.	1	4
Central Zone (3)			
Tri-County Area (6)	Nov. 5-Nov. 14.	1	4
Remainder of Central Zone	Nov. 22-Dec. 31.	1	4

South Zone (3)			
Southern Illinois Quota Zone (Alexander, Jackson, Union, and Williamson Counties) (7)	Nov. 8-Dec. 17	2	4
Remainder of South Zone	Nov. 22-Dec. 31.	1	4
Other Geese			
North Zone (3)	Oct. 13-Dec. 1.*		
Central Zone (3)	Oct. 21-Dec. 29.		
South Zone (3)			
Southern Illinois Quota Zone (Alexander, Jackson, Union, and Williamson Counties) (7)	Nov. 8-Dec. 17.		
Remainder of South Zone	Oct. 28-Dec. 31.		
Limits include no more than:			
White-fronted geese		2	4
Snow (including blue) and brant		5	10
Indiana			
Ducks:		Point system.	
North Zone (8)	Oct. 23-Dec. 11.		
South Zone (8)	Nov. 11-Dec. 30.		
Coots		15	30
Geese:		5	10
North Zone	Oct. 23-Dec. 31.		
South Zone:			
Posey County	Dec. 12-Jan. 20.		
Remainder of South Zone	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Iowa			
Ducks (1)	Oct. 23-Dec. 6.	Point system.	
Coots		15	30
Geese	Oct. 2-Dec. 10.	5	10
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Kentucky			
Ducks	Dec. 2-Jan. 20.	Point system.	
Coots		15	30
Geese		5	10
Western Zone (4), (9)	Dec. 12-Jan. 20.		
Remainder of State	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Louisiana			
Ducks (1):		Point system.	
East Zone (10)	Nov. 20-Dec. 5 & Dec. 18-Jan. 20.		
West Zone (10)	Nov. 6-Dec. 5 & Dec. 18-Jan. 11.		
Coots		15	30
Geese:			
Canada	Closed.	-	-
Other Geese:		5	10
East Zone (10)	Nov. 20-Dec. 5 & Dec. 18-Feb. 9.		
West Zone (10)	Nov. 6-Dec. 5 & Dec. 18-Jan. 26.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
Michigan			
Ducks (1):		Point system.	
North Zone (11)	Oct. 2-Nov. 20.		
South Zone (11)	Oct. 10-Nov. 28.		
Coots		15	30
Geese			
Canada			
North Zone (11)			
Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon Counties	Oct. 2-Nov. 10.	2	4
Remainder of North Zone	Oct. 2-Nov. 20.	2	4
South Zone (11)			
Southeastern Goose Management Area (12)	Oct. 10-Nov. 28.	2	4
	Dec. 21-Feb. 15.	3	6
Saginaw County Goose Management Area (12)	Oct. 2-Nov. 28	2	4
Remainder of South Zone	Oct. 10-Nov. 28.	2	4
Other geese			
North Zone (11)	Oct. 2-Nov. 20.		
South Zone (11)	Oct. 10-Nov. 28.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
Minnesota (13)			
Ducks (1):	Oct. 2-Nov. 20.	5	10
Limits include no more than:			
Mallards (no more than 2 female mallards daily or 4 in possession)		3	6
Black ducks		1	2
Wood ducks		2	4
Canvasbacks (except in closed areas)		1	2
Redheads		1	2
Mergansers		5	10
Limits include no more than:			
Hooded mergansers		1	2
Coots		15	30
Geese:		5	10
Lac Qui Parle Quota Zone (5), (12)	Oct. 2-Nov. 20.		
Limits include no more than:			
Canada		1	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Southeastern Zone (12)	Oct. 2-Dec. 10.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Remainder of State	Oct. 2-Nov. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Mississippi			
Ducks	Dec. 11-Dec. 12 & Dec. 15-Jan. 31.	Point system.	
Coots		15	30
Geese:		5	10
Canada:			
Sardis Reservoir Area (12)	Nov. 6-Dec. 15.	1	2
Remainder of State	Closed.	-	-
Other geese	Oct. 2-Nov. 3 & Dec. 15-Jan. 20.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10
Missouri			
Ducks (1):		Point system.	
North Zone (14)	Oct. 18-Oct. 20 & Oct. 30-Dec. 13.		
South Zone (14)	Oct. 30-Dec. 13 & Jan. 8-Jan. 12.		
Coots		15	30
Geese (5):		5	10
Canada:			
Southeastern Area (east of U.S. Highway 67 and south of Crystal City)	Dec. 2-Jan. 20.	2	4
Swan Lake Zone (5), (12)	Oct. 30-Jan. 7.	See footnote 15.	
Remainder of State	Oct. 30-Dec. 13.	2	4
White-fronted	Oct. 30-Jan. 7.	2	4
Snow (including blue) and brant	Oct. 30-Jan. 7.	5	10
Ohio			
Pymatuning Area (12), (16):	Oct. 9-Oct. 16 & Oct. 25-Dec. 4.	4	8
Ducks:			
Limits include no more than:			
Black ducks		2	4
Wood ducks		2	4
Canvasbacks		1	1
Redheads		2	4
Canvasbacks and redheads combined		2	4
Coots		15	30
Mergansers (except hooded)		5	10
Hooded mergansers		1	2

Geese:	Oct. 10-Dec. 18.		
Limits include no more than:			
Canada		3	6
Snow (including blue)		4	8
Remainder of State:			
Ducks (1):		5	10
North Zone (17)	Oct. 15-Nov. 27 & Dec. 27-Jan. 1.		
South Zone (17)	Oct. 22-Oct. 30 & Nov. 22-Jan. 1.		
Limits include no more than:			
Mallards (no more than 2 female mallards daily or 4 in possession		3	6
Black ducks		1	2
Wood ducks		2	4
Canvasbacks (except in closed areas)		1	2
Redheads		1	2
Coots		15	30
Geese	Oct. 15-Nov. 27 & Dec. 7-Jan. 1.	5	10
Limits include no more than:			
Canada:			
Ashtabula, Auglaize, Erie, Lucas, Marion, Mercer, Ottawa, Sandusky, Trumbull, and Wyandot Counties		1	2
Remainder of State		2	4
White-fronted		2	4
Snow (including blue) and brant		5	10
Tennessee			
Ducks (1):	Dec. 2-Jan. 20.	Point system.	
Coots		15	30
Geese:		5	10
Canada (18):			
Northwest Goose Zone	Dec. 12-Jan. 20.		
Southwest Goose Zone	Closed.	-	-
Remainder of State	Nov. 12-Jan. 20.		
Other geese:			
Northwest Goose Zone	Dec. 12-Jan. 20.		
Remainder of State	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada:			
West of State Highway 13		2	4
Remainder of State		1	2
White-fronted		2	4
Snow (including blue) and brant		5	10
Wisconsin			
Ducks (1)	Oct. 1 (19)-Oct. 10 & Oct. 16-Nov. 24.	Point system (20).	
Coots		15	30
Geese (12):		5	10
Canada:			
Horicon and Central Zones	Oct. 1 (19)-Oct. 10 & Oct. 20-Nov. 18.	1	1
Mississippi River Zone	Oct. 1 (19)-Oct. 10 & Oct. 16-Nov. 24.	1	2
	Nov. 25-Dec. 10.	2	4
Rock Prairie Zone	Oct. 1 (19)-Oct. 6 & Nov. 1-Nov. 24.	1	2
Remainder of State	Oct. 1 (19)-Oct. 6 & Oct. 20-Nov. 12.	1	2
Other geese:			
Mississippi River Zone	Oct. 1 (19)-Oct. 10 & Oct. 16-Dec. 10.		
Remainder of State	Oct. 1 (19)-Oct. 10 & Oct. 16-Nov. 24.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue) and brant		5	10

(1) The areas closed to canvasback hunting are:

Mississippi River — Entire River, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama — Baldwin and Mobile Counties.

Louisiana — Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan — Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under the jurisdiction of the State of Michigan.

Minnesota — Douglas, Mahnomen, Polk, Pope, and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio — Land and water areas comprising Erie, Ottawa, and Sandusky Counties.

Tennessee — Kentucky Lake lying north of Interstate Highway 40.

Wisconsin — In the Mississippi River Zone, all that portion of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconne and Butte des Morts, including the connecting waters thereof, in Winnebago County.

(2) In Alabama, the South Zone consists of Mobile and Baldwin Counties. The North Zone consists of the remainder of Alabama.

(3) In Illinois, the North Zone is that portion of the State north of a line running east from the Iowa border along Illinois Highway 17 to I-74, north along I-74 to I-80, then east along I-80 to the Indiana border. The Central Zone is that portion of the State between the North and South Zone boundaries. The South Zone is that portion of the State south of a line running east from the Missouri border along Illinois Highway 150 to Illinois Highway 4, north along Illinois Highway 4 to Illinois Highway 15, east along Illinois Highway 15 to I-57, north along I-57 to I-70, then east along I-70 to the Indiana border.

(4) Geese taken in Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

(5) Harvests of Canada geese will be limited as follows:
Illinois: Southern Illinois Quota Zone—17,500; Tri-County Area—700; Remainder of State—9,500.
Wisconsin: Statewide—18,000.
Missouri: Swan Lake Zone—20,000.
Minnesota: Lac Qui Parle Zone—5,500.
When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to the Southern Illinois Quota Zone, the Tri-County Area in southern Illinois, and the Swan Lake Zone in Missouri will have been filled, the season for taking all geese in the Southern Illinois Quota Zone and the season for taking Canada geese in the Tri-County Area in Illinois and the Swan Lake Zone in Missouri will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the date and time of closing.

(6) In Illinois, the Tri-County Area consists of all of Knox County; in Fulton County the townships of Buckhart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. 24; and in Henry County the townships of Alba, Annawan, Atkinson, and Cornwall.

(7) Shooting hours for geese are sunrise until 3 p.m.

(8) In Indiana, the North Zone consists of that portion of the State north of State Highway 18. The South Zone consists of the remainder of Indiana.

(9) In Kentucky, the Western Zone consists of the area west of the following boundary: starting at the Kentucky-Tennessee border at Fulton, Kentucky, extending northerly along the Purchase Parkway to I-24, east on I-24 to U.S. 641; northerly on U.S. 641 to U.S. 60; northeasterly on U.S. 60 to U.S. 41; and then northerly on U.S. 41 to the Kentucky-Indiana border.

(10) In Louisiana, the West Zone is described as follows: that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Bossier City; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass. The East Zone consists of the remainder of Louisiana.

(11) In Michigan, the North Zone is that portion of the State north of a line extending east from the mouth of the Manistee River along the south bank to the U.S. 31 bridge, south on U.S. 31 to East Preuss Road, east on East Preuss Road to Huer Road, north on Huer Road to County 591 in Stronach, east on County 591 to M-55, east on M-55 to M-37, south on M-37 to M-82, east on M-82 to U.S. 131, north on U.S. 131, then east on M-46 to Port Sanilac. The South Zone is the remainder of Michigan.

(12) See State regulations for zone/area descriptions.

(13) In Minnesota, the shooting hours for waterfowl vary as follows: October 2 — 12 noon to 4 p.m.; October 3 through October 22 — 1/2 hour before sunrise to 4 p.m.; and October 23 through December 10 — 1/2 hour before sunrise to sunset.

(14) In Missouri, the North Zone is that portion of the State north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S. Highway 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 34, then east along State Highway 34 to the Illinois border. The South Zone is the remainder of the State.

(15) In the Swan Lake Zone of Missouri, through November 21, the Canada goose limits are 1 daily and 4 in possession. After November 21, the limits are 2 daily and 4 in possession.

(16) Shooting hours are 1/2 hour before sunrise to sunset, except on the first day shooting begins at 8 a.m.

(17) In Ohio, the North Zone consists of the counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison, and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. The South Zone consists of the remainder of the State.

(18) In Tennessee, the Northwest Goose Zone includes Lake, Obion, Weakley, and Carroll Counties, and those portions of Gibson and Dyer Counties north and east of a line formed by State Highways 20 and 104 from the Mississippi River to Trenton and U.S. Highway 45W from Trenton to Humboldt. The Southwest Goose Zone is that portion of Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45. The season on Canada geese is also more restrictive or closed in other specific areas. See State regulations.

(19) On the first day the season opens at 12 noon.

(20) In Wisconsin, point values for some species change during the season. See State regulations.

CENTRAL FLYWAY

The Central Flyway consists of Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide and outside the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Geese include all species of geese and brant.
Dark Geese include Canada geese, white-fronted geese, and "black" brant.
Light Geese include all other species.

Flyway-wide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise noted.

Mergansers — All mergansers are to be included within the daily bag and possession limits under conventional and point system regulations.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for coots are the same as those for ducks in the following tables:

	Season Dates	Limits Bag	Limits Possession
Colorado			
Ducks	Oct. 2-Oct. 17 & Oct. 30-Nov. 28 & Dec. 11-Jan. 16.	Point system.	
Coots		15	30
Geese (1):		2	4
North Central Unit	Oct. 30-Jan. 16.		
South Park Unit	Nov. 6-Dec. 31.		
San Luis Valley Unit	Nov. 6-Dec. 31.		
Arkansas Valley Unit (2)	Nov. 6-Jan. 16.		
Remainder of State in Central Flyway	Nov. 6-Jan. 16.		
Kansas			
Ducks:		Point system.	
High Plains Area	Oct. 9-Dec. 5 & Dec. 11-Jan. 4.		
Low Plains Area	Oct. 16-Oct. 26 & Nov. 6-Dec. 12 & Dec. 25-Jan. 5.		
Coots		15	30
Dark geese (3)		2	4
Canada	Oct. 23-Nov. 28.	2	4
Canada and white-fronted	Oct. 23-Nov. 28.	2	4
Canada and white-fronted	Nov. 29-Jan. 2.	1	2
Light geese	Oct. 23-Jan. 16.	5	10
Montana			
Ducks			
Zone 1 (4)	Oct. 2-Nov. 30 & Dec. 11-Jan. 2.	Point system.	
Zone 2 (4)	Oct. 2-Oct. 24 & Nov. 4-Jan. 2.		
Coots		15	30
Geese:	Oct. 2-Jan. 2.		
Sheridan County		2	4
Remainder of State in Central Flyway		3	6
Nebraska			
Ducks		Point system.	
High Plains Area	Oct. 2-Oct. 10 & Oct. 16-Oct. 17 & Oct. 23-Jan. 2.		
Low Plains Area			
Zones 1 and 2 (4)	Oct. 23-Dec. 21.		
Zones 3 and 4 (4)	Oct. 2-Nov. 30.		
Coots		15	30
Dark geese		2	4
Unit 1 (5)			
Canada	Oct. 9-Nov. 12.	1	2
White-fronted	Oct. 9-Nov. 12.	1	2
Canada	Nov. 13-Dec. 26.	2	4
Canada and white-fronted combined		2	4
Unit 2 (5)			
Canada	Oct. 2-Oct. 3 & Oct. 13-Nov. 21.	2	4
Canada and white-fronted combined		2	4
Canada	Nov. 22-Dec. 21.	1	2
White-fronted		1	2
Unit 3 (5)			
Canada	Oct. 16-Nov. 21.	2	4
Canada and white-fronted combined		2	4
Canada	Nov. 22-Dec. 26.	1	2
White-fronted		1	2
Light Geese	Oct. 2-Dec. 26.	5	10
New Mexico			
Ducks:		Point system.	
Zone 1 (4)	Oct. 19-Jan. 9.		
Zone 2 (4)	Nov. 2-Jan. 23.		
Coots		15	30
Geese:			
In Bernalillo, Sandoval, Sierra, Valencia, and Socorro Counties (6):			
Dark geese	Jan. 15-Jan. 23	1	1
Light geese	Nov. 13-Jan. 5 & Jan. 10-Feb. 13.	5	10
Remainder of State in Central Flyway:			
Dark geese	Oct. 23-Jan. 23.	2	4
Light geese	Nov. 13-Feb. 13.	5	10
North Dakota			
Ducks (7):	Oct. 2-Nov. 28 & Dec. 4-Dec. 5.	5	10
including no more than:			
Female mallards		1	2
Canvasbacks (except in closed area)		1	1
Redheads		1	2
Wood ducks		2	4
Hooded mergansers		1	2
Additional teal	Oct. 2-Oct. 10.	2	4
Coots	Oct. 2-Nov. 28 & Dec. 4-Dec. 5.	15	30
Dark geese (8)	Oct. 2-Nov. 14.	2	4
including no more than:			
Canada	Oct. 2-Oct. 31.	1	2
Light geese	Oct. 2-Dec. 5.	5	10
Oklahoma			
Ducks:		Point system.	
High Plains Area	Oct. 16-Jan. 6.		
Low Plains			
Zone 1 (4)	Oct. 16-Nov. 28 & Dec. 18-Jan. 2.		
Zone 2 (4)	Oct. 30-Nov. 28 & Dec. 18-Jan. 16.		
Coots		15	30
Dark geese (11)		2	4
Unit 1 (9)	Nov. 13-Jan. 23.		
Unit 2 (9)	Oct. 16-Nov. 28 & Dec. 20-Jan. 16.		
Light geese	Oct. 9-Nov. 28 & Dec. 18-Jan. 21.	5	10

South Dakota			
Ducks (7):		Point system.	
High Plains Area	Oct. 2-Nov. 30 & Dec. 18-Jan. 9.		
Low Plains Area			
North Zone (4)	Oct. 2-Nov. 30.		
South Zone (4)	Oct. 23-Dec. 21.		
Coots		15	30
Dark geese			
Missouri River Unit	Oct. 2-Dec. 19.	2	4
including no more than:			
Canada	Oct. 2-Nov. 12.	1	2
White-fronted	Oct. 2-Dec. 19.	1	2
Remainder of State	Oct. 2-Dec. 12.	2	4
including no more than:			
Canada		1	2
White-fronted		1	2
Light geese	Oct. 2-Dec. 26.	5	10
Texas			
Ducks (except black-bellied and fulvous whistling (tree) ducks, and masked duck):		Point system.	
High Plains Area	Nov. 2-Jan. 23.		
Remainder of State	Nov. 6-Nov. 28 & Dec. 18-Jan. 23.		
Black-bellied and fulvous whistling (tree) ducks, and masked duck	Closed season.	-	-
Coots		15	30
Geese:			
East of U.S. Highway 81:			
Dark geese	Nov. 6-Dec. 10 & Dec. 18-Jan. 23.	2	4
including no more than:			
Canada		1	2
White-fronted		1	2
Light geese	Nov. 6-Dec. 10 & Dec. 18-Jan. 23.	5	10
West of U.S. Highway 81:			
Geese:	Nov. 2-Jan. 23.	5	10
including no more than:			
Dark geese		2	4
Wyoming			
Ducks and coots		Point system (10).	
Zone 1 (4)	Oct. 2-Nov. 28 & Dec. 16-Jan. 9.		
Zone 2 (4)	Oct. 2-Oct. 24 & Nov. 6-Jan. 4.		
Zone 3 (4)	Oct. 2-Nov. 30 & Dec. 11-Jan. 2.		
Zone 4 (4)	Oct. 2-Oct. 24 & Nov. 6-Jan. 4.		
Geese:		2	4
Zone 1 (4)	Oct. 30-Jan. 9.		
Zone 2 (4)	Nov. 13-Jan. 16.		
Zone 3 (4)	Oct. 2-Jan. 2.		
Zone 4 (4)	Oct. 9-Jan. 9.		

(1) Colorado Goose Hunting Units: North Central Unit: That portion of Colorado bounded on the north by the State line; on the east by U.S. Highway 85 to Interstate 76, Interstate 76 to Interstate 25, and Interstate 25 to Interstate 70; on the south by Interstate 70; and on the west by the Continental Divide. South Park Unit: Chaffee, Fremont, Lake, Park, and Teller Counties. Hunting by permit only; limits, 2 geese daily, 2 per season, geese must be tagged. San Luis Valley Unit: Alamosa, Conejos, Costilla, and Rio Grande Counties and those portions of Hinsdale, Mineral, and Sanguache Counties east of the Continental Divide. Hunting by permit only; limits, 1 goose daily, 1 per season, goose must be tagged. Arkansas Valley Unit: Bent, Cheyenne, Crowley, Kiowa, Otero, and Pueblo Counties, that portion of Prowers County north of U.S. Highway 50, and that portion of Kit Carson County south of U.S. Highway 24. See State regulations.

(2) Special hunting hours: Nov. 6-Nov. 30, 1/2 hour before sunrise to noon; Dec. 1, 1982-Jan. 16, 1983, 1/2 hour before sunrise to sunset.

(3) In Kansas, the following area surrounding and including the Marais des Cygnes Wildlife Management Area is closed to the taking of dark geese (Canada and white-fronted geese) during the regular dark goose season: That part of Kansas bounded by a line from the Missouri-Kansas boundary west on K-68 to its junction with U.S. 169, then southwest on U.S. 169 to the junction of K-7, then southeast on K-7 to the junction of K-31, then east on K-31 to the junciton of U.S. 69, then north on U.S. 69 to the junciton of -239, then east on K-239 to the Missouri-Kansas boundary, then north on the Missouri-Kansas boundary to its junction with K-68.

(4) Duck season zones are described as follows:

Montana — Zone 1: The counties of Bighorn, Blaine, Carbon, Daniels, Fergus, Garfield, Golden Valley, Judith Basin, McCone, Musselshell, Petroleum, Phillips, Richland, Roosevelt, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, and Yellowstone. Zone 2: The counties of Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Treasure, and Wibaux.

Nebraska — Zone 1: Keya Paha County east of U.S. Highway 183 and all of Boyd, Knox, Cedar, and Dixon Counties, including the adjacent waters of the Niobrara River. Zone 2: The Low Plains portions of Dawson, Gosper, Frontier, and Furnas Counties and all of Buffalo, Phelps, Harlan, Hall, Kearney, Franklin, Merrick, Hamilton, Platte, Polk, Colfax, Butler, Dodge, Saunders, Douglas, Boone, Nance, Washington, and Wheeler Counties, including the adjacent waters of the Platte River. Zone 3: The Low Plains portions of Brown, Blaine, and Custer Counties and all of Rock, Holt, Loup, Garfield, Valley, Greeley, Sherman, Howard, Antelope, Pierce, Madison, Wayne, Stanton, Cuming, Dakota, Thurston, and Burt Counties. Zone 4: Adams, Webster, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

New Mexico — Zone 1: That portion of northern New Mexico east of the Continental Divide and the Jicarilla Apache Indian Reservation and north of Interstate Highway 40 and U.S. Highway 54. Zone 2: The remainder of the Central Flyway portion of New Mexico.

Oklahoma — Low Plains: Zone 1 - That portion of northwestern Oklahoma, except the Panhandle, bounded by the following highways: starting at the Texas-Oklahoma border, OK 33 to OK 47, OK 47 to U.S. 183, U.S. 183 to I-40, I-40 to U.S. 177, U.S. 177 to OK 51, OK 51 to I-35, I-35 to U.S. 60, U.S. 60 to U.S. 64, U.S. 64 to OK 132, and OK 132 to the Oklahoma-Kansas state line. Zone 2 - The remainder of the Low Plains portion of Oklahoma.

South Dakota — South Zone: Bon Homme, Charles Mix, Clay, Gregory, Union, and Yankton Counties. North Zone: The remainder of the Low Plains portion of South Dakota.

Wyoming — Zone 1: Sheridan, Johnson, Natrona, Campbell, Crook, Weston, Converse, and Niobrara Counties. Zone 2: Platte, Goshen, and Laramie Counties. Zone 3: Carbon and Albany Counties. Zone 4: Park, Big Horn, Hot Springs, Washakie, and Fremont Counties. These zones also apply to goose seasons.

(5) Nebraska Goose Management Units. Unit 1 is comprised of Boyd, Cedar (west of U.S. Highway 81), Keya Paha (east of U.S. Highway 183), and Knox Counties. Unit 2 is the remainder of Nebraska east of U.S. Highway 183. Unit 3 is the remainder of Nebraska west of U.S. Highway 183. In the Special Sandhills Canada Goose Restoration Area (see State regulations for description), the season is Oct. 30-Nov.30, and the limit is 1 Canada goose per season. Permits and tags required; see State regulations.

(6) See State regulations and other Federal regulations for special restrictions on Bosque del Apache National Wildlife Refuge, for geese.

(7) The areas closed to canvasback hunting are:

North Dakota — That portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota — All of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

(8) The Dark Goose season opening is delayed until October 4 in the area west and south of the following: Starting at South Dakota border where U.S. Highway 281 enters North Dakota, north and west on U.S. Highway 281 to Carrington, then west and north on Highway 200 to the Montana border.

(9) Oklahoma Goose Management Units. Unit 1 is that portion of Oklahoma west of U.S. Highways 77 and 177, the Indian Nation Turnpike, and U.S. Highway 271. Unit 2 is the remainder of Oklahoma.

(10) In Wyoming, coots are assigned 10 points.

PACIFIC FLYWAY

The Pacific Flyway includes the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, those portions of Colorado, Wyoming (including the Great Divide Basin), and New Mexico (including the Jicarilla Apache Indian Reservation) lying west of the Continental Divide, and that portion of Montana including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties.

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

Aleutian Canada Geese: The season is closed on Aleutian Canada geese throughout the Flyway.

Canvasbacks and Redheads: No more than 2 canvasbacks or 2 redheads or 1 of each may be taken daily nor more than 4 singly or in the aggregate may be possessed.

Mergansers: All mergansers are to be included within the daily bag and possession limits for other ducks.

Dark Geese and White Geese: Unless otherwise noted, limits for dark geese are for Canada and white-fronted geese, either singly or in the aggregate; and limits for white geese are for lesser snow, including blue, and Ross' geese, either singly or in the aggregate.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATION OF GEOGRAPHICAL AREAS OR ZONES WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

Season Dates	Limits: Bag	Limits: Possession
Arizona (1)		
Ducks	Oct. 8-Nov. 3 & Nov. 19-Jan. 23.	7 14
Geese:	Nov. 19-Jan. 23.	6 6
Including no more than:		
Dark (no more than 2 Canada geese)		3 3
White		3 3
Coots and gallinules (singly or in the aggregate)	Same as for ducks.	25 25
Common snipe	Same as for ducks.	8 16
Sandhill cranes (only in Game Management Units 30A, 30B, 31, and 32)	Nov. 12, 13, & 14.	Only by permit; 2 cranes per season.
California		
Ducks:		
Northeastern Zone	Oct. 16-Jan. 16.	7 14
Colorado River Zone	Oct. 8-Nov. 3 & Nov. 19-Jan. 23.	7 14
Remainder of State	Oct. 23-Jan. 23.	7 14
Geese:		
Northeastern Zone:		
1st Period	Oct. 16-Oct. 29.	1 2
2nd Period	Oct. 30-Jan. 16.	4 4
Including no more than:		
Dark		2 2
White		3 3
Colorado River Zone:	Oct. 19-Jan. 23.	6 6
Including no more than:		
Dark (but no more than 2 Canada geese)		3 3
White		3 3
Southern Zone:	Oct. 23-Jan. 23.	6 6
Including no more than:		
Dark (except the open season on Canada geese shall be from Oct. 30, 1982, through Jan. 23, 1983, and Canada geese not exceed 2 in the daily bag and possession limits; but in that portion of District 22 within the Southern Zone, Canada geese may not exceed 1 in daily bag and 2 in possession)		3 3
White		3 3
Balance-of-State Zone:	Nov. 6-Jan. 23.	5 5
Including no more than:		
Dark, except that the season on Canada geese:		2 2
Counties of Del Norte and Humboldt	Closed.	
Sacramento Valley Area (2)	Dec. 15-Jan. 23.	
San Joaquin Valley Area (3)	Nov. 6-Nov. 22.	
Remainder of zone	Nov. 6-Jan. 23.	
White		3 3
Brant	Jan. 15-Feb. 20.	4 8
Coots and gallinules, singly or in the aggregate.	Same as for ducks.	25 25
Common snipe	Same as for ducks.	8 16
Colorado		
Ducks (4)	Oct. 2-Oct. 22 & Nov. 13-Jan. 23.	7 14
Geese (4):		
Brown's Park, Moffat County	Oct. 30-Dec. 12.	1 2
Delta and Montrose Counties	Nov. 6-Jan. 2.	Only by permit; 2 geese per season.
Mesa County	Nov. 20-Jan. 2.	2 2 Only by permit; 4 geese per season.
Garfield County	Nov. 20-Jan. 2.	Only by permit; 2 2
Dolores, Gunnison, and Montezuma Counties	Closed.	- -
Remainder of State in Pacific Flyway	Oct. 9-Jan. 2.	2 4
Coots (4)	Same as for ducks.	25 25
Common snipe	Sept. 1-Nov. 9 & Dec. 11-Jan. 2.	8 16
Sora and Virginia rails	Sept. 1-Nov. 9.	25 25
Idaho (5)		
Ducks:		
Counties of Adams, Bear Lake, Boise, Bonneville, Butte, Caribou, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Lemhi, Madison, Oneida, Teton, Valley, and that portion of Blackfoot Reservoir drainage lying within Bingham County	Oct. 2-Jan. 2.	7 14
Remainder of State (6)	Oct. 2-Jan. 9.	7 14
Geese:		
Northern 10 counties (Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone)	Oct. 2-Jan. 2.	3 6
Fremont County within the North Fork of the Snake River drainage above the new Wendell Bridge near Ashton (7)	Oct. 9-Dec. 5.	2 2
Blaine County lying south and east of U.S. Highway 93, and the counties of Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls	Oct. 23-Jan. 2.	2 2
Remainder of State (7)	Oct. 9-Jan. 2.	2 2
Coots	Same as for ducks.	25 25
Common snipe	Same as for ducks.	8 16
Montana		
Ducks	Oct. 2-Jan. 2.	7 14
Geese (8):		
East of the Continental Divide (8)	Oct. 2-Jan. 2.	6 6
Including no more than:		
Dark		3 6
White		3 6
West of the Continental Divide (8)	Oct. 2-Jan. 2.	5 6
Including no more than:		
Dark		2 2
White		3 6
Coots	Same as for ducks.	25 25
Common snipe	Same as for ducks.	8 16
Whistling swans, only in Teton and Cascade Counties	Oct. 2-Jan. 2.	Only by permit; 1 swan per season.
Nevada		
Ducks:		
Clark County	Oct. 23-Jan. 23.	7 14
Remainder of State	Oct. 9-Jan. 9.	7 14
Dark geese:		
Clark County	Nov. 27-Jan. 23.	2 2
Elko County and Ruby Lake National Wildlife Refuge in White Pine County	Oct. 9-Jan. 9.	2 2
White River Valley in Nye County and Pahranagat Valley in Lincoln County	Dec. 22-Jan. 9.	1 1
Remainder of State	Oct. 23-Nov. 13. Nov. 14-Jan. 13.	1 1 2 2
White geese:		
Clark County	Nov. 27-Jan. 23.	3 3
Elko County except Ruby Valley	Oct. 9-Jan. 9.	3 3
Ruby Valley in Elko and White Pine Counties, White River Valley in Nye County, and Pahranagat Valley in Lincoln County	Closed.	
Remainder of State	Oct. 23-Jan. 23.	3 3
Coots and gallinules, singly or in the aggregate	Same as for ducks.	25 25
Common snipe	Same as for ducks.	8 16
Whistling swans, only in Churchill County	Oct. 23-Jan. 9.	Only by permit; 1 swan per season.
New Mexico		
Ducks	Oct. 2-Jan. 2.	7 14
Geese:		
North of I-40/U.S. 66	Dec. 18-Dec. 26.	1 goose per season.
South of I-40/U.S. 66	Oct. 2-Dec. 26.	6 6
Including no more than:		
Dark (no more than 2 Canada geese)		3 3
White		3 3
Coots and gallinules (singly or in the aggregate)	Same as for ducks.	25 25
Common snipe	Sept. 11-Dec. 12.	8 16
Virginia and sora rails (singly or in the aggregate)	Sept. 11-Nov. 19.	25 25

Oregon			
Ducks:			
Entire State except			
Columbia Basin counties (9)	Oct. 16-Jan. 16.	7	14
Columbia Basin counties (9)	Oct. 16-Jan. 23.	7	14
Geese:			
Western Oregon (9)	Oct. 16-Jan. 16.	2	2
Eastern Oregon, except the Columbia Basin counties and Baker, Malheur, Klamath, and Lake Counties	Oct. 16-Jan. 16.	6	6
Including no more than:			
Dark		3	6
White		3	6
Columbia Basin counties (9)	Oct. 16-Jan. 23.	6	6
Including no more than:			
Dark		3	6
Light		3	6
Baker and Malheur Counties	Oct. 16-Jan. 2.	2	2
Klamath and Lake Counties			
Geese: no more than 1 dark goose in the daily bag or 2 dark geese in possession	Oct. 16-Oct. 31.	3	6
Geese:	Nov. 1-Jan. 16.	6	6
Including no more than:			
Dark		1	2
White		2	4
Brant	Jan. 15-Feb. 20.	4	8
Coots	Oct. 16-Jan. 16.	25	25
Common snipe	Oct. 16-Jan. 16.	8	16
Utah			
Ducks (10)	Oct. 2-Jan. 2.	7	14
Geese:			
General Season (11):	Oct. 9-Jan. 2.	5	6
Including no more than:			
Canada geese		2	4
White geese		3	6
Special Seasons:			
Daggett County east of State Highway 44 and 260	Oct. 30-Dec. 12.		
Including no more than:			
Canada geese		1	2
Washington County	Oct. 23-Jan. 16.		
Including no more than:			
Canada geese		2	2
Coots (10)	Same as for ducks.	25	25
Common snipe (10)	Same as for ducks.	8	16
Whistling swans (10)	Oct. 2-Jan. 2.	Only by permit; 1 swan per season.	
Washington			
Ducks (12):			
Eastern Washington	Oct. 9-Jan. 16.	7	14
Western Washington	Oct. 9-Jan. 9.	7	14
Geese (12), (13):			
Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima Counties	Oct. 9-Jan. 16.	3	6
Island, Skagit, and Snohomish Counties	Oct. 9-Jan. 2.	3	6
Whatcom County	Closed.	-	-
Remainder of State	Oct. 9-Jan. 9.	3	6
Brant (14):			
Western Washington except Whatcom County	Dec. 15-Jan. 23.	3	6
Whatcom County and Eastern Washington	Closed.	-	-
Coots (12)	Same as for ducks.	25	25
Common snipe (12)	Same as for ducks.	8	16
Wyoming			
Ducks and coots, singly or in the aggregate	Oct. 2-Jan. 2.	7	14
Geese	Oct. 2-Dec. 19.	3	3
Common snipe	Sept. 25-Dec. 26.	8	16
Sora and Virginia rails, singly or in the aggregate	Sept. 25-Dec. 3.	25	25

(1) The Imperial, Cibola, and Havasu National Wildlife Refuges, Arizona, are open to waterfowl hunting except for posted portions. Ashurst Lake in Game Management Unit 5B is closed to all waterfowl and snipe hunting. Unit 1, Unit 27, that portion of Unit 25B lying east of Highway 273 and all of Units 3A and 3B lying east of Highways 77 and 260 are closed to the taking of Canada geese and its subspecies.

(2) The Sacramento Valley Area is bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River, then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows.

(3) The San Joaquin Valley Area is bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly to the point of beginning in Modesto.

(4) Numerous local restrictions and closures. See State regulations.

(5) Waterfowl may not be taken in the Kootenai County Waterfowl Closure-Thompson Lake, Hells Canyon Waterfowl Closure, Mormon Reservoir Waterfowl Closure, Black Canyon Reservoir-Payette River Waterfowl Closure, Ada County Waterfowl Closure, Fort Hall Indian Reservation Closure, and Hagerman Wildlife Management Area. Geese may not be hunted in the Canyon County Goose Closure, Minidoka-Cassia Goose Closure, or Hagerman Valley Goose Closure. See State regulations for descriptions of these areas.

(6) In Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties, no more than 2 wood ducks may be taken daily nor more than 2 may be possessed.

(7) The season on white geese is closed in that portion of Jefferson County lying north of State Highway 33 and east of Interstate Highway 15, and in all of Clark, Fremont, Madison, and Teton Counties.

(8) Exceptions to the general season on geese are the following goose management areas (see State regulations for descriptions of areas): Shooting hours in the Canyon Ferry Goose Zone are from one-half hour before sunrsie to 12 noon daily; the goose season in the Flathead Goose Zone is Oct. 2-Nov. 28; the goose season in the Deer Lodge Goose Zone is Oct. 16-Jan. 2; and the season on dark geese in the Benton Lake Goose Zone is Oct. 30-Jan. 2.

(9) Columbia Basin counties are Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties. Western Oregon consists of all counties west of the summit of the Cascades excluding Klamath and Hood River Counties. Those portions of Coos and Curry Counties lying west of U.S. Highway 101 and that portion of Tillamook County lying south of an east-west line passing through the most westerly point of Cape Lookout are closed to all goose hunting.

(10) Shooting hours are from 12 noon through sunset on the first day of the season.

(11) Goose hunting is prohibited within the boundaries of the Desert lake Waterfowl Management Area in Emery County, Fish Springs National Wildlife Refuge in Juab County, and Ouray National Wildlife Refuge in Uintah County.

(12) In Western Washington the shooting hours are from 8 a.m. through sunset on the opening day, and in Eastern Washington the shooting hours are from 12 noon through sunset the opening day.

(13) Geese may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 11, 25, and 26, and December 25. Geese may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 11, 25, and 26, 1982, and January 10 through 16, 1983, in Adams, Benton, Douglas, Franklin, Grant, Lincoln, and Walla Walla Counties and east of Satus Pass (U.S. Highway 97) in Klickitat County.

(14) Brant may be hunted only on Saturdays, Sundays, and Wednesdays. It shall be unlawful to hunt brant from a moving boat or any free-floating device that is not in a fixed position.

(e) Point system — Ducks, mergansers, and coots. The States selecting the point system bag limits on designated species are listed in the table under §20.105(d).

(1) The point values assigned to the species and sexes are as follows:

Atlantic Flyway

100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard	Pintail	Male mallard and all other species of ducks.
Florida only: Fulvous tree duck.	Black duck	Blue-winged teal	
	Mottled duck	Green-winged teal (2)	
	Wood duck (1)	Shoveler	
	Redhead	Gadwall	
	Hooded merganser.	Wigeon	
		Scaup	
		Sea ducks (3)	
		Mergansers (except hooded).	

(1) In Virginia during October 7 through October 10, the wood duck counts 25 points.

(2) In New Jersey the point value for green-winged teal is 25 by State regulation.

(3) Sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

Mississippi Flyway (1)

100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard	Pintail	Male mallard and all other species of ducks.
	Black duck	Blue-winged teal	
	Wood duck	Green-winged teal	
	Redhead	Cinnamon teal	
	Hooded merganser.	Wigeon	
		Shoveler	Scaup (Michigan only)
		Gadwall	
		Scaup (except Michigan)	
		Mergansers (except hooded).	

(1) In Wisconsin, point values for some species change during the season. See State regulations. Also, species listed in the 10-category above are assigned 15 points in Wisconsin.

Central Flyway

100 points	70 points	10 points	20 points
Canvasback (except where closed).	Female mallard	Pintail	Male mallard and all other species of ducks.
	Mexican-like duck	Blue-winged teal	
	Wood duck	Green-winged teal	
	Redhead	Cinnamon teal	
	Hooded merganser.	Shoveler	
	Texas only: Mottled duck	Gadwall	
	Black duck	Wigeon	
		Scaup	
		Merganser (except hooded.	

(1) In Wyoming the coot is assigned 10 points.

Coots have no point value (except in Wyoming) but conventional bag limits of 15 daily and 30 in possession apply.

Pacific Flyway: There is no point system in the Pacific Flyway.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting (including hawking) hours are one-half hour before sunrise until sunset daily unless otherwise indicated.

(f) Scaup only season. A special hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit..... 5
Possession limit..... 10
Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway

Connecticut (in South Zone)	Jan. 14-Jan. 29.
Florida	Jan. 18-Jan. 31.
Maryland (in sea duck zone)	Nov. 27-Dec. 6.
Massachusetts	Jan. 8-Jan. 22.
New Jersey	Jan. 7-Jan. 22.
New York:	
Long Island Zone only	Jan. 16-Jan. 31.
Rhode Island	Jan. 15-Jan. 30.
Virginia	Jan. 17-Jan. 31.

Seasons in the Mississippi Flyway

Indiana (Lake Michigan only)	Dec. 13-Dec. 28.
Louisiana	Jan. 21-Jan. 31.
Ohio (North Zone only)	Dec. 10-Dec. 25.
Wisconsin	Nov. 25-Dec. 10.

(g) Extra teal during regular season. Hunting seasons for blue-winged and green-winged teal ducks in the Atlantic Flyway, and blue-winged only in the Central Flyway, are prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit..... 2
Possession limit..... 4

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway

Connecticut:	
North Zone	Oct. 16-Oct. 21.
South Zone	Oct. 13-Oct. 16.
Delaware	Oct. 4-Oct. 9 & Nov. 1-Nov. 3.
Georgia	Oct. 9-Oct. 12.
Maine	Oct. 1-Oct. 9.
Massachusetts:	
Inland Zone	Oct. 15-Oct. 23.
Coastal Zone	Oct. 20-Oct. 28.
New Hampshire	Oct. 6-Oct. 14.
New York:	
Northeastern Zone	Oct. 6-Oct. 14.
Southeastern Zone	Oct. 13-Oct. 21.
Western Zone	Oct. 13-Oct. 21.
Lake Champlain	Oct. 2-Oct. 10.
Long Island	Nov. 17-Nov. 25.
North Carolina	Oct. 1-Oct. 2 & Nov. 25-Nov. 27 & Dec. 7-Dec. 10.
Pennsylvania:	
North Zone	Oct. 2 (1)-Oct. 9.
South Zone	Oct. 16-Oct. 23.
Northwest Zone	Oct. 9 (1)-Oct. 16.
Lake Erie Zone	Oct. 23-Oct. 30.
Rhode Island	Oct. 7-Oct. 11.
South Carolina	Jan. 12-Jan. 20.
Vermont	Oct. 2-Oct. 10.

Seasons in the Mississippi Flyway

None.

Seasons in the Central Flyway

North Dakota	Oct. 2-Oct. 10.

Seasons in the Pacific Flyway

None.

(1) Shooting hours on first day begin at 8 a.m.

(h) Extra scaup during regular season. The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway	
Delaware	Oct. 4-Oct. 9 & Nov. 1-Nov. 27 & Dec. 16-Jan. 1.
Georgia	Oct. 9-Oct. 12 & Nov. 24-Nov. 28 & Dec. 11-Jan. 20.
Maine:	
South Zone only	Oct. 1-Oct. 16 & Nov. 15-Dec. 18.
New Hampshire:	
Inland Zone	Oct. 6-Nov. 24.
Coastal Zone	Oct. 6-Oct. 17 & Nov. 6-Dec. 13.
New York:	
Northeastern Zone	Oct. 13-Nov. 18 & Dec. 22-Jan. 3.
Southeastern Zone	Oct. 13-Oct. 24 & Nov. 5-Dec. 12.
Western Zone	Oct. 6-Oct. 31 & Nov. 12-Dec. 5.
North Carolina (1)	Oct. 1-Oct. 2 & Nov. 25-Nov. 27 & Dec. 7-Jan. 20.
Pennsylvania (on waters of Lake Erie & Presque Isle Bay only)	Oct. 23-Dec. 11.
South Carolina (2)	Oct. 7-Oct. 9 & Nov. 24-Nov. 27 & Dec. 9-Jan. 20.
West Virginia:	
Allegheny Mountain Upland Zone (Zone 2)	Oct. 1-Oct. 16 & Nov. 1-Dec. 4.
Remainder of State (Zone 1)	Oct. 1-Oct. 16 & Dec. 13-Jan. 15.

(1) Only in waters east of U.S. Highway 17, except Currituck Sound north of U.S. Highway 158.

(2) Only in waters east of U.S. Highway 17, north of Charleston, and east of the Seaboard Railroad bed south of Charleston.

(i) Special scaup and goldeneye. A special hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States. The daily bag limit is 3 scaup or 3 goldeneyes or 3 in the aggregate. The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate.

Shooting hours (including hawking) hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Lake Champlain Area Only	
New York	Nov. 26-Dec. 11.
Vermont	Nov. 26-Dec. 11.

Section 20.106 is amended to read as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Central Flyway: Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking sandhill cranes with a daily bag limit of 3 and a possession limit of 6 (3 in New Mexico experimental season area) cranes, and with shooting (including hawking) hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In Colorado (the Central Flyway portion except the San Luis Valley, North Park, and Prewitt Reservoir areas) the inclusive season dates are October 2 through November 28, 1982.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 (and including all of Howard and Lynn Counties) to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates in the New Mexico portion are October 31, 1982, through January 31, 1983, and in the Texas portion, October 30, 1982, through January 30, 1983.

In the New Mexico experimental sandhill crane season hunt areas, the bag and possession limits may not exceed 3 cranes, each of which must be tagged upon taking. In Area 1 (those portions of Dona Ana, Luna, and Sierra Counties west of Interstate Highway 25, north of Interstate Highway 10, east of New Mexico Highways 26 and 27 between Deming and Hillsboro, and south of New Mexico Highway 90), and Area 2 (that portion of Luna County south of Interstate Highway 10), the inclusive season dates are October 30 through November 1, 1982; December 4 through December 6, 1982; and January 15 through January 17, 1983. Each person participating in the experimental season must obtain and have in his possession while hunting, a valid special permit issued by New Mexico.

(c) In Oklahoma (that portion west of I-35), and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates in the Oklahoma portion are October 23, 1982, through January 23, 1983, and in the Texas portion, December 4, 1982, through January 30, 1983.

(d) In North Dakota, in Benson, Burleigh, Emmons, Kidder, Logan, McHenry, Pierce, and Stutsman Counties, the inclusive season dates are September 4 through September 12 and in McLean and Sheridan Counties, the inclusive season dates are September 4 through September 19, 1982. In South Dakota, the inclusive season dates are October 2 through November 7, 1982.

(e) In Montana (the Central Flyway portion except that area south of I-90 and west of the Bighorn River), the inclusive season dates are October 2 through November 28, 1982.

(f) In Wyoming, in Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties, the inclusive season dates are September 25 through November 21, 1982.

In the Wyoming experimental sandhill crane-Canada goose hunt areas (Bear River drainage and Star Valley of Lincoln County), hunting is by State permit only with limits of 2 sandhill cranes and 3 Canada geese per season. The inclusive season dates are September 1 through September 14, 1982.

(g) Each hunter participating in the regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Pacific Flyway: In Arizona (within Game Management Units 30A, 30B, 31, and 32), the inclusive season dates are November 12 through 14, 1982. Hunting will be by special permit to be issued by the State. Each permittee may take 2 sandhill cranes per season.

* * * * *

Section 20.107 is revised as follows.

§20.107 Seasons, limits, and shooting hours for whistling swans.

Whistling swans may be taken only by State-issued permit. Permittees may take only one whistling swan per season. Successful permittees must immediately validate their harvest by that method required by State law. Shooting hours are from one-half hour before sunrise to sunset daily. Seasons are:

(a) In Montana, whistling swans may be hunted only in Teton and Cascade Counties and from October 2, 1982, through January 2, 1983;

(b) In Nevada, whistling swans may be hunted only in Churchill County and from October 23, 1982, through January 9, 1983; and

(c) In Utah, whistling swans may be hunted from October 2, 1982, through January 2, 1983.

(d) The appropriate State agency must issue permits, obtain harvest and hunter participation data, and require successful hunters to immediately validate their harvests.

Section 20.109 is revised as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Daily bag limit ..... 3 singly or in the aggregate.
Possession limit ..... 6 singly or in the aggregate.
These limits apply during both regular hunting seasons and extended falconry seasons.
Hawking hours: One-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Atlantic Flyway	
Florida:	
Mourning doves	Oct. 2-Jan. 16.
Woodcock	Oct. 30-Feb. 13.
Snipe	Nov. 6-Feb. 20.
Rails	Sept. 1-Dec. 14.
Ducks, mergansers, and coots	Oct. 16-Dec. 5 & Dec. 11-Jan. 16.

Maryland:	
Mourning doves	Sept. 1-Oct. 12 & Nov. 6-Jan. 9.
Rails and gallinules	Sept. 1-Dec. 16.
Woodcock	Oct. 11-Nov. 26 & Dec. 3-Jan. 31.
Snipe	Sept. 13-Dec. 28.
Sea ducks	Oct. 6-Jan. 20.
Ducks, coots, and mergansers	Oct. 6-Jan. 20.
Canada geese	
Eastern Shore	Oct. 17-Jan. 31.
Remainder of State	Oct. 6-Jan. 20.
Snow geese	Oct. 17-Jan. 31.
Brant	Oct. 6-Jan. 20.
Massachusetts:	
All permitted ducks, mergansers, geese, and coots	Oct. 12-Jan. 15.
Pennsylvania:	
Mourning doves	Sept. 1-Dec. 15.
Woodcock and snipe	Oct. 5-Jan. 8.
Ducks, mergansers, and coots	Oct. 2-Jan. 8.
Virginia:	
Mourning doves	Sept. 20-Dec. 6 & Dec. 20-Dec. 30.
Rails and woodcock	Sept. 20-Dec. 6 & Dec. 18-Dec. 30.
Snipe	Oct. 18-Jan. 31.
Ducks (except scaup) and brant	Oct. 6-Jan. 20.
Canada geese, snow geese, and scaup	Nov. 3-Jan. 31.
Mississippi Flyway	
Illinois:	
Mourning doves, rails, and woodcock	Sept. 1-Dec. 16.
Snipe	Sept. 11-Dec. 26.
Teal	Sept. 11-Sept. 19.
Ducks, mergansers, and coots	Oct. 2-Jan. 6.
Iowa:	
Ducks and mergansers	Sept. 23-Oct. 22 & Dec. 7-Jan. 2.
Geese	Dec. 11-Jan. 2.
Kentucky:	
Ducks, mergansers, geese, and coots	Nov. 1-Jan. 20.
Michigan:	
Woodcock and snipe	Sept. 1-Dec. 16.
Ducks, mergansers, and coots	Oct. 2-Jan. 16.
Minnesota:	
Woodcock and snipe	Sept. 1-Dec. 16.
Ducks, mergansers, and coots	Oct. 2-Jan. 16.
Mississippi:	
Mourning doves	Oct. 4-Oct. 15 & Nov. 13-Dec. 7.
Missouri:	
Mourning doves	Sept. 1-Dec. 16.
Ducks, mergansers, coots, and geese	Oct. 16-Oct. 20 & Oct. 30-Jan. 20.
Wisconsin:	
Rails, woodcock, snipe, and gallinules	Sept. 1-Dec. 16.
Ducks, mergansers, and coots	Oct. 1-Jan. 15.
Central Flyway	
Colorado:	
Ducks, mergansers, and coots (Possession is limited to 3 birds)	Oct. 18-Oct. 29.
Montana: (1)	
All permitted migratory birds	Oct. 2-Jan. 16.

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New Mexico:	
Daily bag and possession limits in New Mexico are 2 and 4, respectively, singly or in the aggregate of migratory species named below and resident game species.	
Mourning doves, white-winged doves, and band-tailed pigeons	Sept. 1-Nov. 6 & Nov. 20-Dec. 29.
Sandhill cranes only in Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties	Nov. 17-Jan. 31.
Ducks, mergansers, coots, and gallinules	Oct. 18-Jan. 23.
Canada and white-fronted geese	Oct. 18-Jan. 23.
Snow, blue, and Ross' geese	Oct. 30-Feb. 13.
Oklahoma:	
Ducks, mergansers, and coots	Oct. 16-Jan. 21.
Texas:	
Mourning doves	Sept. 1-Nov. 30.
White-winged doves, rails, and gallinules	Sept. 1-Dec. 16.
Ducks, geese, and coots	Oct. 16-Jan. 23.
Sandhill cranes	
Zone A	Oct. 20-Jan. 31.
Zone B	Nov. 22-Jan. 31.
Woodcock and snipe	Nov. 1-Feb. 15.
Wyoming	
Ducks, mergansers, geese, and coots	Oct. 2-Jan. 16.
Pacific Flyway	
Colorado:	
Ducks, mergansers, and coots (Possession is limited to 3 in the aggregate.)	Oct. 23-Nov. 5.
Idaho:	
Mourning doves only	Sept. 1-Oct. 15.
Ducks, mergansers, coots, and snipe	Oct. 2-Jan. 16.
Montana (1)	
All permitted migratory birds	Oct. 2-Jan. 16.
New Mexico (1)	
Mourning doves, white-winged doves, and band-tailed pigeons	Sept. 1-Nov. 6 & Nov. 20-Dec. 29.
Ducks, coots, and gallinules	Oct. 18-Jan. 16.
Geese	Oct. 18-Jan. 16.
Oregon	
Mourning doves	Oct. 9-Dec. 24.
Snipe	Oct. 2-Jan. 16.
Ducks, geese, and coots	Oct. 9-Jan. 23
Utah	
Ducks and coots	Oct. 2-Jan. 16.
Washington	
Ducks, geese, and coots:	
Western Zone	Oct. 2-Oct. 8 & Jan. 10-Jan. 16.
Eastern Zone	Oct. 2-Oct. 8 & Jan. 10-Jan. 16.
Wyoming	
Mourning doves	Sept. 1-Oct. 15
Rails and snipe	Sept. 25-Dec. 3.
Ducks, coots, and geese	Oct. 2-Jan. 16.

(1) In Montana and New Mexico, the aggregate bag and possession limits of all species are 2 and 4, respectively.

Note: See waterfowl season footnotes for descriptions of zones. For some States, the extended falconry season dates also include general season dates.

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Monday, September 27, 1982

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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List of Public Laws

Last Listing September 23, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S.J. Res. 250 / Pub. L. 97–262 To provide for resolution of the single outstanding issue in the current railway labor-management dispute, and for other purposes. (September 22, 1982; 96 Stat. 1130) Price: $1.75.

Slip Laws

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